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Florida : notes.

SIXTH SESSION.

THE

ACTS AND RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

PASSED AT ITS SIXTH SESSION,

and held at the Capitol, in the City of Tallahassee, on Monday, November 22, 1852, and ended January 14, 1853.

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1853.

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TITLES OF ACTS

PASSED AT THE SIXTH SESSION OF THE GENERAL ASSEMBLY,

1852-'3.

CHAPTER 480. An Act to authorize the business of Banking.

481. An Act to amend an act entitled an act to incorporate the Florida, Atlantic and Gulf Central Railroad Company.

482. An Act to incorporate a Company to construct a Railroad across the Peninsula of Florida, under the style of the Florida Railroad Company.

483. An Act giving to the Alabama and Florida Railroad Company the right to extend their Road into the State of Florida, and construct Branch Roads, with Chartered Privileges.

484. An Act to incorporate the Pensacola and Georgia Railroad Company.

485. An Act to incorporate the Pensacola and Mobile Bay Railroad.

486. An Act to incorporate the Pensacola Railroad Company.

487. An Act to incorporate the Escambia Railroad Company.

488. An Act granting to Railroad Companies lands granted or hereafter to be granted to the State by the General Government, for the purpose of aiding in the construction of Railroads within the State.

489. An Act to repeal an act entitled an act granting to the Alabama and Florida Railroad Company land granted or hereafter to be granted to the State by the General Government, for the purpose of aiding in the construction of a Railroad from Pensacola to Montgomery.

490. An Act relative to Associations for Manufacturing purposes.

491. An Act to amend the several general laws for the incorporation of all such Churches and religious and other societies as may accept thereof, now in force in this State.

492. An Act to incorporate the town of Pilatka.

493. An Act to incorporate the town of Marianna.

494. An Act amendatory of an act to amend the act incorporating the city of Pensacola, approved December 17th, 1850.

495. An Act to amend the act incorporating the city of Pensacola, approved March 2, 1839.

496. An Act to amend an act to secure the swamp and overflowed lands lately granted to the State and for other purposes.

497. An Act for establishing the office of State Engineer and Geologist.

498. An Act to amend the law granting pre-emption rights to settlers on State Lands.

TITLES OF ACTS.

499. An Act to amend an act entitled an act to grant pre-emption rights to settlers on State lands, approved December 27th, 1848.
500. An Act to repeal an act entitled an act to require purchasers of State lands to make payment therefor to the Treasurer of the State and for other purposes.
501. An Act for the relief of purchasers of State Lands in certain cases.
502. An Act to require the Register of State Lands to furnish Clerks of the Circuit Court with a list of all lands subject to private entry in the several Counties of this State, where any of said lands lie, and for other purposes.
503. An Act to require the Register of Public Lands of this State to procure and keep a seal of office.
504. An Act to authorize William H. Chase and Jasper Strong to cut a Canal connecting the waters of the Perdido River and Grand Lagoon.
505. An Act to prevent obstruction to the navigation of the River and Harbor of St. Marks and Tampa.
506. An Act for preventing obstructions to the navigation of the St. Johns River, East Florida.
507. An Act to amend an Act entitled an Act to in relation to rafted lumber a-drift, and for other purposes.
508. An Act to regulate Quarantine Laws in this State.
509. An Act to provide for the location of the two Seminaries of Learning to be established in this State.
510. An Act to establish Common Schools and to repeal certain acts in relation thereto.
511. An Act to amend the act of 24th July, 1845, entitled an Act to raise a revenue, &c., &c.
512. An Act to amend an Act relating to the duties of Tax Assessors and Collectors, approved January 9th, 1849.
513. An Act to amend the several acts concerning licenses to retail Spirituous Liquors.
514. An Act amendatory of an Act, entitled an Act to provide for the payment of Coroner's Juries and for other purposes, approved January 24th, 1851.
515. An Act making appropriations for the expenses of the State Government for the fiscal years 1853 and '54.
516. An Act making appropriation for the compilation and publication of Thompson's Collection of the British Statutes of force in this State.
517. An Act to provide for the payment of Captains Sparkman's, Parker's and other Volunteer Companies for service in the year 1849.
518. An Act to provide for carrying into effect a Resolution approved 8th January instant, (1853,) in favor of B. Hopkins and others, for their services in defending the frontier in the year 1852.
519. An Act to provide for the employment of a Clerk in the Office of Comptrol-ler of this State.
520. An Act concerning the Records of the Court of Appeals, and the Superior Courts of the Territory of Florida.
521. An Act in addition to and amendatory of the several acts concerning Writs of Error and Appeals to the Supreme Court.

- 522. An Act to amend the laws now in force in this State relating to divorces.
- 523. An Act to provide for legal proceedings against Corporations and persons claiming exclusive privileges by public grants who have incurred forfeitures of the same by *non-user*.
- 524. An Act to provide for contesting the validity of Wills in the Circuit Courts of this State.
- 525. An Act to amend the laws now in force relating to Mortgages.
- 526. An Act prescribing the condition of Injunction Bonds.
- 527. An Act to provide for the payment *pro rata* of the debts of Insolvent Estates.
- 528. An Act to amend the act in relation to Executors and Administrators.
- 529. An Act authorizing the institution of Suits, in certain cases, against Corporations by publication.
- 530. An Act to prevent certain persons from Peddling in this State.
- 531. An Act to allow Owners or Commanders of Boats to Peddle on the Choctawhatchie River.
- 532. An Act for changing the names of persons residing in this State.
- 533. An Act to amend the patrol laws of this State.
- 534. An Act to authorize the Judge of the Southern Judicial Circuit of this State to appoint and hold adjourned terms in certain cases.
- 535. An Act to amend an act entitled an act to provide for the recording of marks and brands of cattle shipped from the State of Florida, approved 6th January, 1849.
- 536. An Act declaratory of the laws now existing over that portion of the Peninsula of Florida in the occupancy of the Seminole and other Indians.
- 537. An Act to prevent negroes from being taken out of the State from the present Indian country without notice.
- 538. An Act to prevent the trading with the Indians in this State.
- 539. An Act to regulate the practice in criminal prosecutions.
- 540. An Act amendatory of the several acts now in force in this State in relation to trading with negroes.
- 541. An Act to prevent the sale of spirituous liquors to slaves in certain cases.
- 542. An Act to change and modify the penal statutes in reference to gaming.
- 543. An Act to amend and simplify the election laws now in force in this State.
- 544. An Act to amend an act entitled an act to provide for the election of Electors of President and Vice President of the United States, approved January 6th, 1847.
- 545. An Act supplementary to an act entitled an act giving the election of Judges of Probate to the people.
- 546. An Act to prescribe the mode of contesting the election of Judges in this State.
- 547. An Act in relation to the permanent location of the Seat of Government of this State.
- 548. An Act to organize the County of Sumpter.
- 549. An Act to locate a County Site of Hernando County.
- 550. An Act to provide for the election of a County Site of Alachua County.

551. An Act to provide for the election of a County Site in the County of Walton.
552. An Act for the election of a County Site in Orange County.
553. An Act in relation to the County Site of Wakulla County.
554. An Act to repeal an act to provide for the removal of the Indians now remaining in Florida, beyond the limits of the State, approved January 20, 1851.
555. An Act to provide for the final removal of the Indians of this State, and for other purposes.
556. An Act to amend an act in relation to the appointment of Commissioners and overseers of roads.
557. An Act to repeal an act in relation to pilotage for the port of Key West.
558. An Act to prevent fire-hunting in the County of St. Johns.
559. An Act to separate the offices of Sheriff and Tax Assessor and Collector in the County of Nassau.
560. An Act in relation to a road tax in the Counties of Santa Rosa and Escambia.
561. An Act to amend an act entitled an act giving to the Judges of Probate of Escambia and Hamilton Counties the power of Justice of the Peace in certain cases.
562. An Act to establish election precincts in the County of Putnam.
563. An Act to change an election precinct in the County of Nassau.
564. An Act to permanently fix the election precincts in the County of Columbia.
565. An Act relating to the distribution of the laws of this State.
566. An Act for the establishment of free bridges in the County of Escambia.
567. An Act to build a free bridge across the Ocilla River.
568. An Act relating to the assessment of taxes for the County of Jackson.
569. An Act to repeal an Act, to declare Spring Creek, commonly known as Robinson's Spring Creek, in Jackson County, a Navigable Stream, approved February 13, 1851.
570. An Act declaring Crooked River in Franklin County a Navigable Stream.
571. An Act to alter the dividing line between Santa Rosa and Walton Counties.
572. An Act amendatory to an Act entitled an Act to establish and organize a Mayor's Court for the City of Apalachicola.
573. An Act in relation to the Clerk of the Circuit Court of Washington County.
574. An Act to fix definitely the fees of Judge of Probate for the County of Columbia in a certain case therein specified.
575. An Act to authorize Joseph T. Phelps to establish a Ferry across the Withlacoochie River.
576. An Act to authorize certain persons to establish a Ferry across the Ocklockonee River.
577. An Act to authorize Albert Ponsheer to establish a Ferry across the Suwannee River.
578. An Act authorizing George H. Tresper to establish a Ferry across the Suwannee river at Clay Landing.
579. An Act to authorize Joseph A. Evritte to establish a Ferry across the Withlacoochie River.

- 580. An Act to authorize Joseph Robles to build a Bridge across the Hillsborough River, and for other purposes.
- 581. An Act authorizing Celestino Gonzalez to build a Wharf in the City of Pensacola.
- 582. An Act to authorize Angus Nicholson, a minor, to assume the management of his own estate, and to contract and be contracted with.
- 583. An Act to authorize Richard H. Randolph of Gadsden County to assume the management of his own estate.
- 584. An Act to empower John Johnson Gadsden County to manage his own estate.
- 585. An Act to admit Claudies Stewart to practice law in the Several Courts of this State.
- 586. An Act to legitimate Augustus W. Whitmire, Joseph C. Whitmire, Elizabeth Whitmire and Margaret Whitmire, and to make them the heirs at law of Samuel C. Keyser of the County of Santa Rosa, Florida, and to change their names.
- 587. An Act establishing the names and legitimating James Henry and William D. Saunders.
- 588. An Act to change the name of Victoria Baty to that of Victoria Bellows, and for other purposes.
- 589. An Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes.
- 590. An Act to change the names of various persons therein specified.
- 591. An Act to change the name of Terrence Levy to that of Terrence Wimberly, and for other purposes.
- 592. An Act for the relief of William Crawford.
- 593. An Act for the relief of Dr. J. W. Bozeman.
- 594. An Act supplementary to an act entitled an act for the relief of Dr. J. W. Bozeman, approved January 8, 1853.
- 595. An Act for the relief of Thomas B. Wynn.
- 596. An Act for the relief of Mrs. Harriet Powers, of Columbia County.
- 597. An Act for the relief of William M. Garrison.
- 598. An Act for the relief of Henry C. Wilson.
- 599. An Act for the relief of the Clerk of the Circuit Court of the County of Holmes.
- 600. An Act for the relief of George W. Andrews, William W. Leggett and Ashley Braswell.
- 601. An Act for the relief of George W. Phillips.
- 602. An Act for the relief of Dr. James L. Shields.
- 603. An Act for the relief of Stephen Hollingsworth.
- 604. An Act for the relief of John B. Allen.
- 605. An Act for the relief of James Brown and William Gainer, Sr.
- 606. An Act for the relief of the South Western portion of Gadsden County.
- 607. An Act for the relief of William R. Hayward.
- 608. An Act for the relief of John Clarke.
- 609. An Act for the relief of Eliza A. Bruce.

TITLES OF RESOLUTIONS

PASSED AT THE SIXTH SESSION OF THE GENERAL ASSEMBLY,
1852-'3.

1. Resolution asking of Congress the reduction of the price of Public Lands in this State.
2. Resolution urging upon Congress the sale of Reserved Lands.
3. Resolution relative to Overflowed Lands in St. Lucie County.
4. Resolution requesting the Governor of this State to cause the State Engineer to examine and report the cost and practicability of connecting the St. John's and Indian Rivers by a navigable Canal.
5. Resolution asking Congress to grant a Quarter Section of Land to the County of Levy to establish a County Site thereon.
6. Preamble and Resolution asking of Congress a grant of a Quarter Section of Land to the County of Levy.
7. Resolution asking Congress the grant of a Quarter Section of Land to the County of Sumpter.
8. Preamble and Resolution relative to Shoal River.
9. Preamble and Resolution relative to Yellow River.
10. Resolution asking an appropriation by Congress for the purpose of removing obstructions at the Bar of Volusia on Lake George.
11. Resolution urging upon Congress the necessity of clearing out the Ocklawaha River.
12. Resolution asking that Palatka be made a Port of Delivery.
13. Resolution in relation to the establishment of a Port of Delivery at Bay Port.
14. Resolution in relation to a Light House on Sea Horse Key.
15. Resolution relative to the Seminole Indians.
16. Resolution asking Congress to allow the Public Arms of Florida to be kept and preserved in the United States Arsenal located in Gadsden County, Florida.
17. Resolution asking Congress the passage of a Mail Route to the States bordering on the Pacific across the Isthmus of Tehuantepec.
18. Resolution asking an appropriation from Congress for a Tri-Weekly Mail, &c., for the City of Apalachicola.
19. Preamble and Resolution asking a change of Mail Route between Tampa and Fort Mellon, and asking that a new Mail Route be established between the town of Tampa and Old Tampa Bay.
20. Resolution in relation to a Mail Route from Madison Court House to Clay Landing in Levy County.
21. Resolution in relation to the establishment of a Mail Route from Thomasville, in Georgia, to Alligator, in Columbia County.

22. Resolution asking an appropriation from Congress for erecting a Marine Hospital at Apalachicola.
23. Resolution in regard to the establishment of a Land Office at Tampa.
24. Resolution authorizing and providing for exchange of Legislative documents, and for other purposes.
25. Resolution in relation to the early history of Florida.
26. Resolution in relation to Porter's self-loading and self-firing gun.
27. Resolution in relation to the pay of absent members.
28. Resolution for the purpose of enabling Military Schools to obtain arms from the State.
29. Resolutions in relation to the term of office of the Governor elect.
30. Resolution in relation to the claims of James M. Bates.
31. Resolution for the relief of Silas Weeks.
32. Resolutions authorizing the Comptroller to audit and pay B. Hopkins and others for their services in defending the frontier in the year 1852.
33. Resolution in relation to Capt. Wm. H. Payne's Company.
34. Resolution relative to the accounts of R. A. Shine, Quarter-Master General, and for other purposes.
35. Resolution for the relief of William Watson.
36. Resolution for the relief of Azor Umstead.
37. Resolution to authorize the Comptroller to purchase Maps of the United States.
38. Resolution authorizing the Comptroller to employ a Clerk, when necessary, during the present session of the General Assembly.
39. Resolution relative to copying the laws of the present session.
40. Resolution in relation to printing the Laws.

AMENDMENTS TO THE CONSTITUTION.

1. An Act to amend the Eleventh Clause of the Fifth Article of the Constitution of this State, and, also, to amend an Act amendatory of the Twelfth Clause of the Fifth Article of the Constitution of this State, and adopted by the Third and Fourth General Assemblies so as to give the election of Judges to the people.
2. An Act to amend the Seventeenth Clause of the Fifth Article of the Constitution of this State.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

1. An Act to alter and amend the Fourteenth and Twenty-Third Clauses of the Third Article, and the Thirteenth and Sixteenth Clauses, of the Fifth Article, of the Constitution of this State.

LAWS

OF THE

STATE OF FLORIDA,

PASSED AT THE SIXTH SESSION OF THE GENERAL ASSEMBLY.

1852-'3.

THOMAS BROWN, Governor. C. W. DOWNING, Secretary of State. JOHN BEARD, Comptroller of Public Accounts. CHARLES H. AUSTIN, State Treasurer. DAVID P. HOGUE, Attorney General. R. J. FLOYD, President of the Senate. JOHN B. GALBRAITH, Secretary of the Senate. A. K. ALLISON, Speaker of the House. JOHN DICK, Clerk of the House.

1852.

CHAPTER 480.—[No. 1.]

AN ACT to authorize the Business of Banking.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and is hereby authorized and required to cause to be engraved and printed in the best manner, to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes in blank, of the denomination of fives, tens, twenties, fifties and hundreds, as he may from time to time deem necessary to carry into effect the provisions of this Act, and of such form as he may prescribe. Such blank circulating notes shall be countersigned, numbered and registered in proper books to be provided and kept for that purpose in the office of said Comptroller, so that each denomination of such circulating notes shall bear the uniform signature of such Comptroller.

Comptroller to have notes engraved.

SEC. 2. *Be it further enacted,* That whenever any person or association of persons, formed for the purpose of banking, under the provisions of this Act, shall lawfully transfer to the Comptroller any portion of the public stock issued or to be issued by this State, or by any other of the States of the Union, or by the United States, which regularly and promptly pay the interest accruing thereon, and

Association to deposit public stocks with Comptroller.

1852.

also bear a current value in the Stock market and are at all times convertible into cash, such person or association of persons shall be entitled to receive from the Comptroller an equal amount of such circulating notes of the above denominations, registered and countersigned as aforesaid; but such public stocks or securities shall in all cases be, or be made to be, equal to a stock producing five per cent. per annum; and it shall not be lawful for the Comptroller to take such stock at a rate above its par value, nor above its current market value.

Authorized to
circulate notes
as money.

SEC. 3. *Be it further enacted*, That such person or association of persons are hereby authorized, after having executed and signed such circulating notes, in the manner required by law to make them obligatory promissory notes, payable on demand, at the place of business within this State of such person or association, to loan and circulate the same as money, according to the ordinary course of banking business.

Amount to be
deposited.

SEC. 4. *Be it further enacted*, That no association of persons shall commence the business of banking under this Act, until such association shall have deposited with the Comptroller the securities required by law, to the amount of one hundred thousand dollars; and no individual banker or bankers shall commence the business of banking under this Act, or receive circulating notes under the same, until such individual banker or bankers shall have deposited with the Comptroller the securities required by law, to the amount of fifty thousand dollars.

Notes made
payable on de-
mand.

SEC. 5. *Be it further enacted*, That no banking association or individual banker, as such, shall issue or put in circulation any bill or note of said association or individual banker, unless the same shall be made payable on demand, and without interest; and every violation of this Section by any officer or member of a banking association or by any individual banker, shall be deemed and adjudged a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the Jury.

If note not p'd,
may be pro-
tested.

SEC. 6. *Be it further enacted*, That in case the maker or makers of any such circulating note or notes, countersigned and registered as aforesaid, shall, at any time hereafter, on lawful demand, during the usual hours of business, between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem such note in the lawful money of the United States, the holder of such note or notes making such demand may

1852.

cause the same to be protested for non-payment, by a Notary Public under his seal of office, in the usual manner; and the Comptroller, on receiving and filing in his office such protest, shall forthwith give notice in writing to the maker or makers of such note or notes to pay the same; and if he or they shall omit to do so for sixty days after such notice, the Comptroller shall immediately thereupon (unless he shall be satisfied that there is good and legal defence against the payment of such note or notes) give notice in some paper published in the Capital of this State, that all the circulating notes issued by such person or association will be redeemed out of the Trust Funds in his hands for that purpose; and the Comptroller shall be required to apply the said Trust Funds, belonging to the maker or makers of such protested notes, to the payment pro rata of all such circulating notes whether protested or not, put in circulation by the maker or makers of such protested notes, pursuant to the provisions of this Act, and to adopt such measures for the payment of such notes as will in his opinion most effectually prevent loss to the holders thereof.

Comptroller to
give notice.

SEC. 7. *Be it further enacted*, That all fees for protesting the circulating notes issued by any banking association or individual banker, shall be paid by the person procuring the services to be performed, for which such association or banker shall be liable; but no part of the securities deposited by such association or banker shall be applied to the payment of such fees.

Fees, how paid

SEC. 8. *Be it further enacted*, That the Comptroller may give to any person or association of persons so transferring stock in pursuance of the provisions of this Act, powers of Attorney to receive interest or dividends thereon, which such person or association may receive and apply to their own use; but such powers may be revoked upon such person or association failing to redeem the circulating notes so issued, or whenever in the opinion of the Comptroller, the principal of such stock shall become an insufficient security; and the said Comptroller, upon the application of the owner or owners of such transferred stock in trust, may, in his discretion, change or transfer the same for other stocks of the kind before specified in this Act, or may retransfer the said stock or any part thereof, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such person or association in

Dividend or
interest on
transferred
stock, how re-
ceived.

Stocks may be
changed.

1852.

Bills, how
stamped.

such manner that the circulating notes shall always be secured in full by stocks as in this Act provided.

SEC. 9. *Be it further enacted*, That the bills or notes so to be countersigned, and the payment of which will be so secured by the transfer of public stocks, shall be stamped on their face: "Secured by the pledge of public stock."

Mutilat'd notes
to be changed.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Comptroller to receive mutilated circulating notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount.

In case of fail-
ure to pay
notes.

SEC. 11. *Be it further enacted*, That in case such person or association of persons shall fail or refuse to pay such bills or notes on demand in the manner specified in the sixth section of this Act, the Comptroller may proceed to sell at public auction the public stocks so pledged or any or either of them, and out of the proceeds of such sale shall pay and cancel the said bills or notes, default in paying which shall have been made as aforesaid; but nothing in this Act contained shall be considered as implying any pledge on the part of the State, for the payment of said bills or notes, beyond the proper application of the securities pledged to the Comptroller for their redemption.

Stocks to be
held for re-
demption of
bills.

SEC. 12. *Be it further enacted*, That the public stocks and securities, as herein provided for to be deposited with the Comptroller by any such person or association, shall be held by him exclusively for the redemption of the bills or notes of such person or association put in circulation as money, until the same are paid.

Expense of
plates, &c. how
paid.

SEC. 13. *Be it further enacted*, That the plates, dies and materials to be procured by the Comptroller for the printing and making of the circulating notes provided for hereby, shall remain in his custody and under his direction; and the expense necessarily incurred in executing the provisions of this act shall be audited and settled by the Comptroller, and paid out of any moneys in the Treasury not otherwise appropriated; and for the purpose of reimbursing the same, the said Comptroller is hereby authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent. thereon as may be sufficient for that purpose, and as may be just and reasonable.

Bills not to ex-
ceed amount of
stocks deposit-
ed.

SEC. 14. *Be it further enacted*, That it shall not be lawful for the Comptroller to countersign bills or notes for any person or association of persons, to an amount in the aggregate exceeding the public stocks or securities at their

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value, as provided for in the second section of this act, deposited with the Comptroller by such person or association; and any Comptroller who shall violate the provisions of this section, shall be guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years, or both, at the discretion of the jury.

SEC. 15. *Be it further enacted*, That any number of persons may associate to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than one hundred thousand dollars.

Am't of stock
of Association.

SEC. 16. *Be it further enacted*, That such persons, under their hand and seals, shall make a certificate, which shall specify,

Certificate.

1. The name assumed to distinguish such association, and to be used in its dealings.

2. The place where the operations of discount and deposit of such association are to be carried on, designating the particular city, town or village.

3. The amount of the capital stock of said association, and the number of shares into which the same shall be divided.

4. The names and places of residence of shareholders, and the number of shares held by each of them respectively.

5. The period at which such association shall commence and terminate; which certificate shall be proved or acknowledged and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of Secretary of State.

Where depo-
sited.

SEC. 17. *Be it further enacted*, That the certificate required by the last preceding section to be recorded and filed in the offices of the Clerk of the County and Secretary of State, as aforesaid, or copies thereof, duly certified by either of those officers, may be used as evidence in all courts and places, for and against any such association.

Certif'd copies
of may be used
as evidence.

SEC. 18. *Be it further enacted*, That such association shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt; by receiving deposits, by buying and selling gold and silver bullion, foreign coins and bills of exchange, in the manner specified in their articles of association, for the purpo-

Powers.

1852.

ses authorized by this act; by loaning money on real and personal security; and by exercising such incidental powers as shall be necessary to carry on such business; to choose one of their number as president of such association, and to appoint a cashier and such other officers and agents as their business may require, and to remove such president, cashier, officers and agents, at pleasure, and appoint others in their place.

Shares, how
transferred.

SEC. 19. *Be it further enacted*, That the shares of said association shall be deemed personal property, and shall be transferable on the books of the association, in such manner as may be agreed upon in the articles of association; and every person becoming a shareholder by such transfer, shall in proportion to his shares, succeed to all the rights and liabilities of prior shareholders; and no change shall be made in the articles of association, by which the rights, remedies or security of its existing creditors shall be weakened or impaired. Such association shall not be dissolved by the death or insanity of any of the shareholders therein.

Increase of
capital provided for.

SEC. 20. *Be it further enacted*, That it shall be lawful for any association of persons organized under this act, by their articles of association, to provide for an increase of their capital and of the number of the associates, from time to time, as they may think proper.

Actions by.

SEC. 21. *Be it further enacted*, That contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof; and all suits, actions and proceedings brought or prosecuted by or on behalf of such association, may be brought or prosecuted in the name of the president thereof; and no such suit, action or proceeding shall abate by reason of the death, resignation or removal from office, of such president, but may be continued and prosecuted according to such rules as the courts of law and equity may direct, in the name of his successor in office, who shall exercise the powers, enjoy the rights and discharge the duties of his predecessor.

Actions against

SEC. 22. *Be it further enacted*, That all persons having demands against any such association, may maintain actions against the President thereof, which suits or actions shall not abate by reason of the death, resignation, or removal from office of such President, but may be continued, prosecuted to judgment and decrees obtained or rendered

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against such President, for any debt or liability of such association, [and] shall be enforced only against the property of the association, and which property shall be liable to be taken and sold by execution under any such judgment or decree.

SEC. 23. *Be it further enacted*, That no shareholder of any such association shall be liable in his individual capacity for any contract, debt or engagement of such association, unless the articles of association by him signed shall have declared that the shareholder shall be so liable.

Shareholders,
how liable.

SEC. 24. *Be it further enacted*, That it shall be lawful for such association to purchase, hold and convey real estate, for the following purposes :

Can purchase
and hold real
estate,

1. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business ; or

2. Such as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due to, such association ; or

3. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings ; or

4. Such as it shall purchase at sales under judgments, decrees or mortgages held by such association.

The said association shall not purchase, hold or convey real Estate in any other case or for any other purpose, and all conveyances of such real Estate shall be made to the President, or such other officer as shall be indicated for that purpose in the Articles of association ; and which President or officer, and his successors from time to time may sell, assign and convey the same, free from any claim thereon, against any of the Shareholders or any person claiming under them.

SEC. 25. *Be it further enacted*, That upon the application of creditors or Shareholders of any such association, whose debts or shares shall amount to one thousand dollars, and stating facts verified by affidavit, the Judge of the Circuit Court of the Circuit in which such association is located, may, in his discretion, order a strict examination to be made by one of the masters of his Court, of all the affairs of such association, for the purpose of ascertaining the safety of its investments and the prudence of its management ; and the result of every such examination, together with the opinion of the master and of the said Judge thereon, shall be published in such manner as the said Judge shall direct, who shall make such order in re-

Examination of
affairs of Association,
how made.

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spect to the expenses of such examination and publication as he may deem proper.

Annual state-
ment of condi-
tion to be made

SEC. 26. *Be it further enacted*, That every banking association and individual banker carrying on banking business, or who shall hereafter carry on banking business under this Act, shall annually make out and transmit to the Comptroller, in the form prescribed by him, a full statement of its affairs, verified by the oaths of its President and Cashier; which statements shall be deposited by such banking association or individual banker, respectively, in the office of the Secretary of State, sealed and directed to said Comptroller, on or before the twentieth day of January in each year after the passage of this act, or after the time of their having respectively commenced the business of banking as prescribed in this act.

Contents
statement.

SEC. 27. *Be it further enacted*, That such statement so transmitted, shall contain,

1. The amount of the certified stock of the capital stock of the banking association or individual banker, paid in or invested according to law, or in pursuance of its articles of association, and the amount of such stock as then possessed.

2. The value of the real Estate of the association or individual banker, specifying what portion is occupied by the association or individual banker, for the transaction of business.

3. The shares of stock held by such association, or individual banker, whether absolutely or as collateral security, specifying each kind and description of stock, and the number and value of the shares of each.

4. The debts owing to the association or individual banker, specifying such as are due from monied or other corporations or associations, the names of such corporations or associations, and the amount due from each, and also specifying the amount secured by bond and mortgage or judgment; the amount which ought to be included in the computation of losses, and the total amount of such debts then collectable.

5. The amount of debts owing by the association or individual banker, specifying such as are payable on demand, and such as are due to monied, or other corporations, associations or individual bankers, the name of such corporations; association or individual bankers, and the amount due to each.

6. The amount of claims against the association or individual banker, not acknowledged by it or him as debts.

7. The amount for which the association or individual banker is bound as surety, or for which it may become liable on the happening of contingent events, whether upon policies of Insurance or otherwise.

8. The amount of the notes or bills then in circulation, of said association or individual banker, of loans and discounts, of specie on hand.

9. The amount on the first of July next, preceding, of notes or bills in circulation, of loans and discounts, and of specie on hand of such association, or individual banker.

10. The amount of the losses of the association or individual banker, (if any) charged, specifying whether charged on its or his capital or profits since the last preceding statement, and of the dividends declared and made during the same period.

11. The amount of public stock and securities, together with the description of such stocks deposited by such association or individual banker with the Comptroller, as security for the circulating notes issued, the market value of said stocks or securities as near as can be ascertained, and the date to which payment of interest has been made upon such stock and securities, and whether said interest has been paid to such banking association or individual banker, or passed to their or his credit on the books of the Comptroller.

SEC. 28. *Be it further enacted*, That every association that shall neglect to make out and transmit the statement required in the last preceding section for one month beyond the period when the same is required to be made, or shall violate any of the provisions of this Act, may be proceeded against and dissolved as an insolvent association; and every individual banker subject to this law who shall so neglect, shall be restrained from the further prosecution of his business.

Penalty for neglect to make statement

SEC. 29. *Be it further enacted*, That the Comptroller be and he is hereby required to prepare such forms and instructions as may be necessary under this Act, to carry out the provisions thereof.

Comptroller to prepare forms, &c.

SEC. 30. *Be it further enacted*, That if any portion of the original capital of any such association shall be withdrawn for any purpose whatever, whilst any debts of the association remain unsatisfied, no dividend or profits on the shares of the capital stock of the association shall

No dividend if any original capital be withdrawn.

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thereafter be made, until the deficit of the capital shall have been made good, either by subscriptions of the shareholders or out of the subsequently accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of the Judge of the Circuit Court of the Circuit in which said association is located, to make the necessary orders and decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

Damage for refusal to pay bill.

SEC. 31. *Be it further enacted*, That such association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of fourteen per cent. per annum, from the time of such refusal, until the payment of such evidence of debt and the damages thereof.

List of shareholders to be filed with Comptroller.

SEC. 32. *Be it further enacted*, That the President and Cashier of every association formed pursuant to the provisions of this Act, shall at all times keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the Clerk of the County where any office of such association may be located, and also in the office of the Comptroller, on the first Mondays of January and July in every year.

Notes payable at foreign offices — denomination of.

SEC. 33. *Be it further enacted*, That it shall not be lawful for any association formed under the provisions of this Act, to make any of its notes or bills of a denomination less than one hundred dollars to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

Dividend on stocks to be received and deposited made by Comptroller, when securities become insufficient.

SEC. 34. *Be it further enacted*, That whenever the securities deposited for the redemption of circulating notes shall, in the opinion of the Comptroller, become insufficient for that purpose, he may receive the dividend on all stocks, and shall deposite the same in some safe banking association in this State, organized under this act (if there be one, or if there be none, such stock shall be kept in his office) in his name in trust for the association or banker to whom the same may belong; the deposite to be made on such terms and at such rate of interest as the Comptroller may deem most conducive to the interest of such association or banker, and to be withdrawn and paid over, whenever, in the opinion of the Comptroller, the securities of such association or banker shall be sufficient to warrant it.

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SEC. 35. *Be it further enacted*, That it shall be the duty of the joint Committee chosen at each session of the Legislature to examine the books of the Comptroller, to examine such of the securities deposited in his office by banking associations and individual bankers, together with books and papers therein, relating to the business of banking, as the said Committee may deem necessary to enable them to report the true state and condition of that department to the Legislature.

Examination of
Comptroller's
books.

SEC. 36. *Be it further enacted*, That any banking association and individual banker carrying on banking business, or who shall hereafter carry on banking business under this act, shall be subject to the inspection and supervision of the Comptroller, whose duty it shall be to fully inspect and examine all books, papers, documents, minutes and everything pertaining to the acts of said association or individual banker, and report thereon to the next Legislature held after said examination; and he is hereby invested with full power to call for and demand of any and all officers of any such association or any individual banker, all books, papers, minutes or documents of any kind, which, in his opinion, he may deem necessary for fully carrying out the provisions of this act.

Books of association subject
to investigation
by Comptroller

SEC. 37. *Be it further enacted*, That in case any of the said associations or individual bankers shall refuse to submit its [or their] books, papers and concerns to the inspection of said Comptroller, or whose officers shall refuse to submit to be examined upon oath, touching the concerns of such association or individual banker, by said Comptroller, or which shall be found to have violated any law of this State, binding upon such association or individual banker, such association or individual banker shall be liable to be proceeded against by said Comptroller in the same manner and with the like effect as any incorporated bank may be proceeded against for a violation of its Charter.

In case of refusal to submit books, &c.
to Comptroller

SEC. 38. *Be it further enacted*, That when an individual banker, or officers of any banking association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent. of their circulating notes, and shall produce to the Comptroller a certificate of a deposit to his credit in such bank as he shall approve, to an equal amount with the circulating notes of such bank unredeemed, it shall be lawful for him to receive the same, and to give up all the securities therefor deposited by such banker

Provision for
cessation of business.

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or association for the redemption of circulating notes issued.

Notice to be
given.

SEC. 39. *Be it further enacted*, That such association or individual banker, after having complied with the provisions of the preceding section, may give notice for two years in any paper published at the Capitol of this State, and also in at least one newspaper printed in the county where the said association or bank shall have been located, that all circulating notes issued by such association or bank must be presented at the Comptroller's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and, upon receiving satisfactory proof of the giving such notice, for the time aforesaid, the Comptroller shall surrender to the order of the said association or bank, any securities which he may hold for the payment of any unredeemed notes of the said association or bank.

Comptroller to
prepare forms.

SEC. 40. *Be it further enacted*, That the Comptroller be and is hereby required and instructed to cause all such necessary forms and instructions to be printed as may be necessary, under the provisions of this Act, to carry out the same.

Bullion may be
deposited.

SEC. 41. *Be it further enacted*, That the deposit with the Comptroller of gold or silver coin, shall entitle any person to bank in the same manner as provided by this Act for persons who deposit public stocks. *Provided* that the person so depositing cash instead of stocks may at any time exchange proper stocks for the same.

Repeal.

SEC. 42. *Be it further enacted*, That this Act shall at any time be subject to amendment, modification or repeal by any future Legislature of this State.

[Passed the Senate, December 27, 1852. Passed the House of Representatives, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 481.—[No. 2]

AN AN to amend An Act entitled An Act to incorporate the Florida, Atlantic and Gulf Central Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Act to which this is an amendment, shall be as hereinafter provided, That is to say:

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That a Company be, and is hereby incorporated by the name and style of the Florida, Atlantic, and Gulf Central Rail Road Company, and by that name all who shall become subscribers for stock, and members of said Company, their successors and assigns, shall be capable in law to purchase, receive, retain, and enjoy to them and their successors or assigns, lands and tenements, goods, chattels and effects, of whatsoever the same may be, and the same to grant, sell, mortgage and dispose of; to sue and be sued, to plead and be impleaded, to make a common seal, and at pleasure to break or alter the same, to ordain, and establish, and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government of said corporation, not being contrary to the Constitution and laws of the United States, and the State of Florida.

Name and powers.

SEC. 2. *Be it further enacted*, That the said Rail Road shall commence in East Florida, upon some tributary of the Atlantic Ocean within the limits of the State of Florida, having a sufficient outlet to the Ocean to admit of the passage of sea Steamers, and shall run through the State in the most eligible direction, to some point, bay, arm, or tributary of the Gulf of Mexico, west of the Apalachicola River, in West Florida, having a sufficient outlet for sea Steamers, to be determined by a competent State engineer, with the approval of a majority of the Directors of said Company.

Termini.

SEC. 3. *Be it further enacted*, That the capital stock of said Company shall be three million dollars, divided into shares of one hundred dollars each, but which said capital stock may be increased from time to time, when found necessary, by a proper estimate to be made by the State Engineer, and approved by a majority of the Directors of said Company. Books of subscription for the said capital stock shall be opened within sixty days after the passage and approval of this Act, at Jacksonville, Palatka, Ocala, Newnansville, Alligator, Madison, Monticello, Tallahassee, Apalachicola, Quincy, Marianna, Milton and Pensacola, under the superintendence and direction of two responsible persons at each of the above named places, to be appointed by the Governor, commissioned for the purpose, who shall be fully authorized and empowered to receive subscriptions of stock in said Company. Each subscriber shall, at the time of his subscription, pay to the said Commissioners one dollar on each share subscribed for, and

Capital stock.

Books to be opened.

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the books of subscription at each of the before mentioned places, shall be kept open for the space of sixty days, at the expiration of which time they shall be closed. The said Commissioners shall immediately thereafter transmit to the State Engineer the said books of subscription, together with the amount by them received on each share.

Directors, how
elected.

SEC. 4. *Be it further enacted*, That it shall be the duty of the State Engineer, immediately after said subscription, to give thirty days' notice in newspapers printed in East, Middle and West Florida, that a meeting of the stockholders will be held at Tallahassee at an appointed time, for the purpose of electing nine Directors, who shall be chosen from the Stockholders having at least ten shares of stock each, by the votes of said Company, every Stockholder being entitled to one vote for each share of stock which he or she may have subscribed for, and the said stockholders may vote by proxy, and a majority of votes shall be necessary to constitute a choice; and the Directors so elected shall continue in office for one year, and until new Directors shall be elected. The Directors so elected, shall, from their own body choose a President; and in each and every year, at such time and place, as the Directors may from time to time determine, there shall be an election of nine Directors as herein provided, and an election of President, of and for the government and direction of said Company. And the said Directors shall have power to fill all vacancies that may occur in their body between the periods of their annual election: *Provided*, That if from any cause whatever, there should at any time be no election of Directors, the Corporation shall not for that cause be dissolved, but the Directors and other officers then in office, shall continue with all the powers herein mentioned, until an election of new Directors can and does take place.

Shares, how
paid.

SEC. 5. *Be it further enacted*, That immediately after the organization of said Company, in the manner directed in the preceding section, the State Engineer shall pay into the hands of the President the amount received by him from the Commissioners on the stock subscribed for, and the said Directors shall thereupon require, at such time as they may deem expedient and necessary, payment from each stockholder of the additional sum of nine dollars upon each and every share subscribed to the capital stock of said Company: *Provided*, That there shall not be more than ten per centum upon each share demanded at any subsequent instalment, of which there shall be previously given

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at least thirty days' notice in some one or more newspapers published in the Eastern, Middle and Western Districts of the State.

SEC. 6. *Be it further enacted*, That if any Stockholder shall fail to pay the instalments required by the provisions of the foregoing section for the space of twenty days after the day appointed for the payment of such instalment, the share or shares of each stockholder upon which said instalment shall fail to be paid, shall be forfeited to the President and Directors, to be disposed of for the use and benefit of the said Company, and any purchaser of such stock shall become subject to the same rules and regulations as the original Stockholder.

Failure to pay
for shares.

SEC. 7. *Be it further enacted*, That the said Company shall have the right and privilege to construct and complete a Railroad, with one or more tracks or setts of rails for cars, for the transportation of passengers, produce, goods, and all other articles whatsoever, to commence in East Florida, upon some tributary of the Atlantic Ocean, within the limits of the State of Florida, having a sufficient outlet to the Ocean to admit of the passage of sea steamers, and thence to continue, in the most eligible direction, through the State, to some point, by, arm or tributary of the Gulf of Mexico, in West Florida, having a similar outlet, to be determined as provided for in the second section of this act; and so soon as practicable, after the organization of said Company, the State Engineer, under the direction of the President and Directors, shall proceed to locate the Eastern terminus and survey the route of said Road to the Western terminus, and shall make the proper estimates and the necessary charts and diagrams, which shall be filed in the office of said Company. The State Engineer and his assistants, for the survey of said route and location of the termini, under the direction and with the approval of the Directors, shall be paid for such service by the Company such sums of money as may be agreed upon by the parties, and all expenses of said survey shall be paid by the Company; and after the location of the terminus and survey of the route, the Company shall appoint their own Engineer and assistants to superintend the construction of said road: *Provided*, That nothing herein contained shall be construed to prevent the Company from retaining and employing the State Engineer in such service.

Termini

State Engineer
— compensation
of.

SEC. 8. *Be it further enacted*, That as soon as practicable after the location of the termini and survey of the route, it shall be divided into sections of convenient length,

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Sections for
grading to be
let out by con-
tract.

for the purpose of letting out contracts for grading; and the grading of said sections shall be made from East to West, and completed in sections, as fast as possible, so as to be ready to receive the iron; and the Company, so soon as twenty-five miles of the Road is completed, shall commence running cars upon it, so as to transport passengers and freight, and convey the iron to be laid down upon the different sections, as the same may be required.

Books to be re-
opened.

SEC. 9. *Be it further enacted*, That if, after the commencement of the Road, or at any time, it should appear that a sufficient amount to ensure the completion of said Road has not been subscribed, the President and Directors shall cause the books of subscription to be again opened, at such times and places as to them may be deemed expedient, and for such a length of time as may be thought necessary, and they shall moreover have power to employ an agent to procure subscriptions of stock in said Company, for the purpose of ensuring the completion of said work.

May purchase.

SEC. 10. *Be it further enacted*, That the said Company, by its President and Directors, shall have power to purchase, with the funds of the Company and to place on said Railroad, all machines, wagons, vehicles, cars, carriages and teams of any description whatsoever, which they may deem proper and necessary for the purposes of transportation; all such machines, wagons, vehicles, cars, carriages and teams, and all the works constructed under the authority of this Act, and all profits which shall accrue from the same, shall be vested in the shareholders of the Company forever, in proportion to their shares, and the same shall be exempt from any charge or tax whatsoever for the period of five years after the completion of the Road, and they are hereby authorized, at those points in the line of their Railroad where it may appear to them important for the accomplishment and business of the Road, to establish depots and warehouses, or any other necessary and convenient houses and buildings, to be used by them for all purposes of the said Road, or to be disposed of by them when it may be necessary, and to charge and receive, for the storage of produce, merchandize and other articles, at such warehouses and other buildings as they may find it necessary to construct, rates not exceeding the ordinary warehouse duties.

Exempt from
taxes.

Rates of stor-
age.

SEC. 11. *Be it further enacted*, That in constructing the said Railroad, it shall and may be lawful for the said Company, by its proper agents or servants, to enter upon and

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take possession of any land whatsoever belonging to the State, which may be necessary for the construction of the work contemplated by this Act; and any lands which have been or may be granted by Act of Congress to this State for the purpose of constructing this Road or branches, shall be the property of the said Company, to be applied to the construction and finishing of said Railroad and branches, and to no other purpose whatsoever: and if by the grading or construction of said Road through any swamp or overflowed lands belonging to the State, the said lands shall thereby be reclaimed, one half of said lands shall become the property of the Company, to be applied towards the construction of said Railroad: *Provided*, That no land shall be taken from private individuals or corporations and appropriated to the purpose aforesaid, without adequate compensation to those owning the same, and that it shall and may be lawful for said Company, in like manner, to take from any land convenient to said Railroad at all times such timber, stone, or other materials, as may be necessary for the construction and keeping in repair the same: *Provided*, That nothing belonging to individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided for.

May appropriate lands.

Proviso.

Proviso.

SEC. 12. *Be it further enacted*, That whenever it shall become necessary for the said Company to take possession of, and appropriate or use any land, stone, timber, or other material owned by private individuals or corporations, for the route or site of the said Railroad and works, or for constructing and keeping in repair the same, or any part thereof, and the parties do not agree on the value and sale of the land, timber, stone, or other materials, that may be so taken or appropriated, it shall and may be lawful for the President and Directors of said Company, or their proper agent or agents, on giving twenty days notice at least, in writing, to the party owning the same, or to his, her or their agent, to make application to the Judge of the Probate Court of the County in which such lands, stone, timber or other materials may lie, or to the Judge of the Probate Court next adjoining thereto, for a writ of *ad quod damnum*, which shall be granted, and directed to the Sheriff of the said County, or the Sheriff of the County next adjoining thereto, to summon five disinterested persons, house-holders, of lawful age, to meet and value the said land, stone, timber or other materials, as the case may be, on oath, to be administered by any Justice of the

Land of private individuals, how appropriated.

1852.

Peace, whose duty it shall be to attend in person said inquest, and receive their report; and if, from any cause, a Justice of the Peace does not attend such inquest, then the Sheriff shall and may administer the oath, and receive the report: the amount thus fixed upon by said valuation, the said Justice of the Peace or Sheriff shall receive from the said President and Directors, or their proper agent, and pay, (if there be no Justice of the Peace present,) the same over to the person or persons so entitled to receive it, and to take an acquittal or refusal for the same; and on the tender of the sum awarded to the party entitled to receive the same, or to his, her, or their agent or attorney, it shall be lawful for said Company by its President and Directors, or their agent, to enter upon and take possession of and use any such lands, stone, timber, and other materials; but all the costs and expense incurred by said writ of *ad quod damnum* and inquest shall be paid by the President and Directors of said Company: *Provided*, That the appraisers shall not be allowed more than one dollar each, per day, whilst engaged in such duties, and the Justice of the Peace and Sheriff such fees as are usual in similar cases.

Proviso.

Own land in fee.

SEC. 13. *Be it further enacted*, That all property so assessed and paid for by the President and Directors of said Company or its agents, agreeably to the provisions of this Act, and all donations made to and for the same shall forever afterwards belong to and become the property of said Company, its successors and assigns, in fee simple, in proportion to the number of shares owned by the Stockholders respectively.

Stock, how held and transferred.

SEC. 14. *Be it further enacted*, That any Stockholder of said Company may and shall have the right to sell, dispose of and transfer his, her or their interest in the same, or any part thereof, to any other person or persons, or corporations, which said transfer shall not be binding unless entered on the books of the Company; but the Stock of said Company, and all the property belonging thereto, or which may from time to time be acquired by said Company, shall be held jointly and not separately: *Provided*, That nothing in this Act contained shall be so construed as to prevent the profits and dividends which may be declared upon said stock being applied by each stockholder to his, her or their own individual purposes.

Proviso.

SEC. 15. *Be it further enacted*, That the President and Directors of said Company shall have the right to demand

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and receive such prices and sums for transportation by their own means, cars and carriages, and other vehicles on said Rail Road for passengers, produce, goods and all other articles whatsoever, as may be from time to time authorised and fixed by the by-laws of said Company : *Provided*, That such prices and sums shall not be increased without at least sixty days' previous notice thereof being given in some one or more newspapers printed in the State; and the said Company shall continue to receive such prices and sums for the transportation of passengers, produce, goods and all other articles whatsoever, as may be prescribed by the by-laws of said Company, so long as the Rail Road shall be kept in operation and in good repair and condition, and the said Company shall be bound and held responsible for any damage said passengers, goods, produce and other articles of whatsoever kind, may sustain in transporting the same on said Rail Road, if it shall appear that the same was caused by reason of any negligence, carelessness or bad condition of the said Rail Road, within the power of the said Company or the agents and servants thereof to prevent and control, and all produce, goods, and articles of whatsoever kind transported on said Rail Road, shall be liable for the rates of transportation with which they may be chargeable, and may be detained until the same be paid and discharged; and if the same be not paid, and such goods, produce and articles of whatsoever kind, shall remain in the possession and custody of said Company for the space of three months, unless they may be perishable articles, they shall and may be sold at public auction, and after the expenses of transportation, storage and auction cost and commission shall be paid, the remainder shall be paid to such person or persons, or corporations or their agents, who shall be entitled to receive the same: *Provided*, That when the said rates or charges have repaid to the Stockholders the full amount of the cost of the Rail Road, together with the expenses thereof, then it shall be the duty of said Company to arrange its charges, that not more than twenty per centum per annum shall be received upon the whole amount of said stock and the expenses thereon.

Rates and
charges.

Proviso.

Proviso.

SEC. 16. *Be it further enacted*, That the said Railroad Company shall, at all times, have the exclusive right of transporting or conveying passengers, produce and articles of whatsoever kind, on said Railroad to be by them constructed, while they may see fit to exercise such exclusive right:

Exclusive pri-
vileges.

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Provided, That when the said Company may see fit, they may rent or farm out all or any part of such exclusive privileges to any person or persons or corporations, for such terms as may be agreed upon, subject to the same responsibilities for damages to individuals or corporations, which may accrue by reason of any of the provisions of this act, and for which the said Company shall likewise be bound.

Obstructions
to road—how
punished.

SEC. 17. *Be it further enacted*, That if any person shall intrude upon said Railroad or any part thereof, or upon the rights and privileges connected therewith, without the permission or contrary to the will of said Company, all the vehicles, articles, animals or locomotive power that may be so intrusively introduced or used thereon, may be seized by the company so intruded upon, or its agents, or damages recovered by suit at law; and moreover, the person or persons so offending shall be liable to be indicted as for a misdemeanor, and upon conviction in the Circuit Court of the district in which the offence shall have been committed, shall be fined in a sum not more than five thousand dollars, nor less than fifty dollars; and if any person shall artfully and maliciously cause, aid or assist, consult or advise, any other person or persons to destroy, or in any way hurt, damage, injure or obstruct said Railroad, or any part or portion thereof, or any edifice, vehicle, right or privilege granted and vested by this act, and constructed for use under the authority thereof, such person or persons so offending, shall be liable to be indicted, and on conviction thereof shall be imprisoned not more than twelve months, and not less than one month, and pay a fine not exceeding five thousand dollars nor less than fifty dollars at the discretion of the Court before which said conviction shall be had, and shall be further liable to pay all expenses of repairing the same; the one half of the fines which may be imposed by the said Court and collected under this act shall go to the informer, and the other half to the use of the Company. *Provided*, That the said Company shall in all cases be liable for costs, in case of failure to convict or inability to pay, of the person convicted.

Proviso.

Report to be
made yearly.

SEC. 18. *Be it further enacted*, That the President and Directors of said Company be required to make a full report to the stockholders of the said Company, at their yearly meetings for the election of Directors, and the Directors shall have power to call a meeting of the stockholders, whenever the affairs of the Company, in their estimation,

may render it expedient and requisite to call such meeting.

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SEC. 19. *Be it further enacted*, That Sections 18, 19 and 20, of the act to which this is an amendment, and all other parts of said act inconsistent with the provisions of this act, be and the same are hereby repealed.

[Passed the House of Representatives, December 22, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 7, 1853.]

CHAPTER 482.—[No. 3.]

AN ACT to incorporate a Company to construct a Rail Road across the Peninsula of Florida, under the style of the Florida Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Company be and his hereby incorporated by the name and style of the Florida Railroad Company, and by that name all who shall become subscribers for stock and members of said Company, their successors and assigns, shall be capable in law to purchase, receive, retain, and enjoy to them and their successors or assigns lands and tenements, goods and chattels and effects of whatsoever the same may be, and the same to grant, sell, mortgage, and dispose of, to sue and be sued, to plead and be impleaded, to make a common seal and at pleasure to break or alter the same, to ordain and establish and put in execution, such by-laws and regulations as may be deemed necessary and expedient for the government of said corporation, not being contrary to the constitution and laws of the United States and the State of Florida.

Name and powers.

SEC. 2. *Be it further enacted*, That the said Rail Road shall commence in East Florida upon some tributary of the Atlantic Ocean within the limits of the State of Florida, having a sufficient outlet to the Ocean to admit of the passage of sea Steamers, and shall run through the Eastern and Southern part of the State in the most eligible direction to some point, bay, arm, or tributary of the Gulf of Mexico in South Florida, South of the Suwannee river, having a sufficient outlet for sea Steamers, to be determined by a competent Engineer, with the approval of a majority of the directors of said Company.

Terminal.

SEC. 3. *Be it further enacted*, That the capital stock

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Capital stock.

Books of subscription to be opened.

Subscribers shall pay.

Directors, how elected.

President.

Proviso.

of said Company shall be one million of dollars, divided into shares of one hundred dollars each, but which said capital stock may be increased from time to time when found necessary, by a proper estimate to be made by a competent Engineer and approved by a majority of the Directors of said Company. Books of subscription for the said capital stock shall be opened within sixty days after the passage and approval of this act; at Jacksonville, St. Augustine, Newnansville, Pilatka, Ocala and Tampa, under the superintendence of two suitable persons at each of the above named places, to be appointed by the Governor and commissioned for the purpose, who shall be fully authorized and empowered to receive subscriptions of stock in said Company. Each subscriber shall at the time of his subscription pay to said Commissioners one dollar on each share subscribed for, and the books of subscription at each of the above mentioned places, shall be kept open for the space of sixty days, at the expiration of which time they shall be closed.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Commissioners upon the receipt of said subscription and money, forthwith to give notice by publication for thirty days in newspapers printed in East Florida, that a meeting of the stockholders will be held at Jacksonville, at an appointed time, for the purpose of electing nine Directors, who shall be chosen from the stockholders having at least ten shares of stock each, by the votes of said Company, every stockholder being entitled to one vote for each share of stock which he or she may have subscribed for, and the said stockholders may vote by proxy; a majority of votes shall be necessary to constitute a choice; and the Directors so elected shall continue in office [for] one year, and until new Directors shall be elected. The Directors so elected, shall, from their own body choose a President; and in each and every year, at such time and place, as the Directors may from time to time determine, there shall be an election of nine Directors as herein provided, and an election of President, of and for the government and direction of said Company. And the said Directors shall have power to fill all vacancies that may occur in their body between the periods of their annual election: *Provided*, That if from any cause whatever, there should at any time be no election of Directors, the Corporation shall not for that cause be dissolved, but the Directors and other officers then in office, shall continue with all the powers herein mention-

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ed, until an election of new Directors can and does take place.

SEC. 5. *Be it further enacted*, That immediately after the organization of said Company, in the manner directed in the preceding section, the Commissioners shall pay into the hands of the President the amount received by them on the stock subscribed for, together with the said books of subscription and the said Directors shall thereupon require, at such time as they may deem expedient and necessary, payment from each stockholder of the additional sum of nine dollars upon each and every share subscribed to the capital stock of said Company: *Provided*, That there shall not be more than ten per centum upon each share demanded at any subsequent instalment, of which there shall be previously given at least thirty days' notice in some one newspaper printed in Jacksonville and St. Augustine.

Amount rec'd
and books to
be paid to Pre-
sident of Co.

Additional
payments,
when.

Proviso.

SEC. 6. *Be it further enacted*, That if any Stockholder shall fail to pay the instalments required by the provisions of the foregoing section for the space of sixty days after the day appointed for the payment of such instalment, the share or shares of each stockholder upon which said instalment shall fail to be paid, shall be forfeited to the President and Directors of said Company, to be disposed of for the use and benefit of said Company, and any purchaser of such stock shall become subject to the same rules and regulations as the original stockholder.

Penalty for
failure.

SEC. 7. *Be it further enacted*, That the [said] Company shall have the right and privilege to construct and complete a Railroad, with one or more tracks or setts of rails for cars, for the transportation of passengers, produce, goods, and all other articles whatsoever, to commence in East Florida, upon some tributary of the Atlantic Ocean, within the limits of the State of Florida, having a sufficient outlet to the Ocean to admit of the passage of sea steamers, and thence to continue, in the most eligible direction, through the State, to some point, bay, arm or tributary of the Gulf of Mexico, South and East of the Suwannee River, having a similar outlet, to be determined as provided for in the second section of this act; and so soon as practicable, after the organization of said Company, a competent Engineer, under the direction of the President and Directors, shall proceed to locate the Eastern terminus and survey the route of said Railroad to the South-western terminus, and shall make the proper estimates and the necessary charts and diagrams, which shall be filed in the office of

Right to con-
struct, and for
what purpose.

Termini.

Survey of
route and com-
pensation
Engineer.

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said Company. Said Engineer and his assistants, for the survey of said route and location of the termini, under the direction and with the approval of the Directors, shall be paid for such services by the Company such sums of money as may be agreed upon by the parties, and all expenses of said survey shall be paid by the Company, after the location of the termini and survey of the route.

If subscription
insufficient,
books to be a-
gain opened.

SEC. 8. *Be it further enacted*, That if, after the commencement of the Road or at any time, it should appear that a sufficient amount to ensure the completion of said Road has not been subscribed, the President and Director shall cause the books of subscription to be opened, at such times and places as to them may be deemed expedient, and for such a length of time as may be thought necessary, and they shall moreover, have power to employ an agent to procure subscriptions of stock in said Company, for the purpose of ensuring the completion of said work.

Right to pur-
chase cars, &c.

SEC. 9. *Be it further enacted*, That the said Company, by its President and Directors, shall have power to purchase with the funds of the Company and to place on said Railroad, all machines, wagons, vehicles, cars, carriages and teams of any description whatsoever, which they may deem proper and necessary for the purposes of transportation; all such machines, wagons, vehicles, cars, carriages and teams, and all the works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the shareholders of the Company forever, in proportion to their shares, and they are hereby authorized, at those points in the line of their Railroad where it may appear to them necessary for the accomplishment and business of the Road, to establish depots and warehouses, or any other necessary and convenient houses and buildings, to be used by them for all purposes of said Road, or to be disposed of by them when it may be necessary, and to charge and receive, for the storage of produce, merchandize and other articles, at such warehouses and other buildings as they may find it necessary to construct, rates not exceeding the ordinary warehouse duties.

Privilege to
enter upon
State land.

SEC. 10. *Be it further enacted*, That in constructing the said Rail Road, it shall and may be lawful for the said Company, by its proper agents and servants, to enter upon and take possession of any land whatsoever belonging to the State, which may be necessary for the completion of the work contemplated by this Act. And if by the gra-

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ding or construction of said Road through any swamp or overflowed lands belonging to the State, the said lands shall thereby be reclaimed, one half of said lands shall become the property of the Company, to be applied towards the construction of said Rail Road: *Provided*, That no land shall be taken from private individuals or corporations and appropriated to the purpose aforesaid, without adequate compensation to those owning the same, and that it shall and may be lawful for said Company in like manner (to take) from any land convenient to said Rail Road at all times, such timber, stone, or other materials, as may be necessary for the construction and keeping in repair the same: *Provided*, That nothing belonging to individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided for.

No property of individuals to be taken without compensation.

SEC. 11. *Be it further enacted*, That whenever it may become necessary for the said Company to take possession of, and appropriate or use any land, timber, stone, or other material, owned by private individuals or corporations, for the route or site of said Rail Road and works, or for constructing and keeping in repair the same, or any part thereof, and they do not agree on the value and sale of the land, timber, stone, or other materials, that may be so taken or appropriated, it shall and may be lawful for the President and Directors of said Company, or their proper agent or agents, on giving twenty days notice at least, in writing, to the party owning the same, or to his, her or their agent, that application will be made to the Judge of the Probate Court of the County in which such lands, stone, timber or other materials may lie, or to the Judge of the Probate Court next adjoining thereto, for a writ of *ad quod damnum*, which shall be granted, and directed to the sheriff [of the said County, or the sheriff] of the County next adjoining there to, to summon five disinterested persons, house holders, of lawful age, to meet and value the said land, stone, timber, or other materials as the case may be, on oath, to be administered by any Justice of the Peace, whose duty it shall be to attend in person said inquest, and receive their report; and if from any cause, a Justice of the Peace does not attend such inquest, then the Sheriff shall and may administer the oath, and receive the report. The amount thus fixed upon by said valuation, the said Justice of the Peace or Sheriff shall receive from the said President and Directors, or their proper agent, and pay, (if there be no Justice of the Peace present,) the

Valuation of property how made.

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same over to the person or persons so entitled to receive it, and to take an acquittal or refusal for the same; and on the tender of the sum awarded to the party entitled to receive the same, or to his, her, or their agent or attorney, it shall be lawful for said Company by its President and Directors, or their agent, to enter upon and take possession of and use any such lands, stone, timber and other materials; but all the costs and expense incurred by said writ of *ad quod damnum* and inquest, shall be paid by the President and Directors of said Company: *Provided*, That the appraisers shall not be allowed more than one dollar each, per day, whilst engaged in such duties, and the Justice of the Peace and Sheriff, such fees as are usual in similar cases.

Property so taken and donations made, to be held in fee simple.

SEC. 12. *Be it further enacted*, That all property so assessed and paid for by the President and Directors of said Company or its agents, agreeably to the provisions of this Act, and all donations made to and for the same, shall forever afterwards belong to and become the property of said Company, its successors and assigns, in fee simple, in proportion to the number of shares owned by the Stockholders respectively.

Shareholder may sell int't.

SEC. 13. *Be it further enacted*, That any shareholder of said Company may and shall have the right to sell, dispose of, and transfer his, her, or their interest in the same, or any part thereof, to any other person or persons, or corporations, which said transfer shall not be binding unless entered on the books of the Company; but the stock of said Company, and all the property belonging thereto, or which may from time to time be acquired by said Company, shall be held jointly and not separately: *Provided*, That nothing in this Act contained shall be so construed as to prevent the profits and dividends which may be declared upon said stock being applied by each stockholder to his, her or their individual purposes.

Rates of transportation, how fixed.

SEC. 14. *Be it further enacted*, That the President and Directors of said Company shall have the right to demand and receive such prices and sums for transportation by their own means, cars and carriages, and other vehicles on said Railroad for passengers, produce, goods and all other articles whatsoever, as may, from time to time, be authorized and fixed by the by-laws of said Company: *Provided*, That such prices and sums shall not be increased without at least sixty days' previous notice thereof being given in some newspaper printed in the city of Tallahassee and

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Jacksonville; and the said Company shall continue to receive such prices and sums for the transportation of passengers, produce, goods and all other articles whatsoever, as may be prescribed by the by-laws of said Company, so long as the said Railroad shall be kept in operation and in good repair and condition, and the said Company shall be bound and held responsible for any damage said passengers, goods, produce and other articles of whatsoever kind, may sustain in transporting the same on said Railroad, if it shall appear that the same was caused by reason of any negligence, carelessness or bad condition of the said Railroad, within the power of the said Company or the agents and servants thereof to prevent and control, and all produce, goods, and articles of whatsoever kind transported on said Railroad shall be liable for the rates of such transportation with which they may be chargeable, and may be detained until the same be paid and discharged; and if the same be not paid, and such goods, produce, and articles of whatsoever kind, shall remain in the possession and custody of said Company for the space of three months, unless they may be perishable articles, they shall and may be sold at public auction, and after the expenses of transportation, storage, and auction cost and commissions shall be paid, the remainder shall be paid to such person or persons, or corporation, or their agents, who shall be entitled to receive the same: *Provided*, That when the said rates or charges have repaid to the stockholders the full amount of the cost of the Railroad, together with all the expenses thereof, then it shall be the duty of said Company to arrange its charges, that not more than twenty per centum per annum shall be received upon the whole amount of said stock, and the expenses thereon, and that if the rates so established shall exceed twenty per centum as aforesaid, then the surplus to be paid to the State for the benefit of Common Schools.

Damages to
passengers, &c.

Goods liable
for transportation.

Minimum of
profit.

SEC. 15. *Be it further enacted*, That if any person shall intrude upon said Railroad, or any part thereof, or upon the rights and privileges connected therewith, without the permission or contrary to the will of said Company, all the vehicles, articles, animals or locomotive power that may be so intrusively introduced or used thereon, may be seized by the Company so intruded upon, or its agents, or damages may be recovered by suit at law; and moreover the person or persons so offending shall be liable to be indicted as for a misdemeanor, and upon conviction in the

Intrusion, &c
on road, penalty for.

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Circuit Court of the district in which the offence shall have been committed, shall be fined in a sum not more than five hundred dollars, nor less than fifty dollars; and if any person shall artfully and maliciously cause, aid or assist, consult or advise, any other person or persons to destroy, or in any manner or way hurt, damage, injure or obstruct said Railroad, or any part or portion thereof, or any edifice, vehicle, right or privilege granted and vested by this Act, and constructed for use under the authority thereof, such person or persons so offending shall be liable to be indicted, and on conviction thereof shall be imprisoned not more than twelve months, and not less than one month, and pay a fine not exceeding five hundred dollars, nor less than fifty dollars, at the discretion of the Court before which said conviction shall be had, and shall be further liable to pay all expenses of repairing the same; the one half of the fines which may be imposed by the said Court and collected under this Act, shall go to the informer, and the other half to the use of the Common School Fund: *Provided*, That the said Company shall in all cases be liable for costs, in case of failure to convict or inability to pay, of the person convicted.

Rep't to stock-
holders, when
made.

SEC. 16. *Be it further enacted*, That the President and Directors of said Company be required to make a full report to the stockholders of the said Company, at their yearly meetings for the election of Directors, and the Directors shall have power to call a meeting of the stockholders, whenever the affairs of the Company, in their opinion, may render it expedient and requisite to call such meeting.

[Passed the Senate, January 3, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 483.—[No. 4.]

AN ACT giving to the Alabama and Florida Rail Road Company the right to extend their road into the State of Florida and construct branch roads, with chartered privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Walker Anderson, W. H. Chase, B. D. Wright, O. M. Avery, of Pensacola, Florida; U. Boulevare, John G. McLane, J. G. Robinson, A. J. Robinson, W. T. Sterns, C. Snowden, W. Ashley, Asa John-

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Commissioners
to open books
of subscription.

son, T. McIver, A. Russel and A. Fowler, of Conecuh County, Alabama; E. J. Pickens, L. J. Bowling, W. J. Streety, James Dunklin, J. J. Burnett, H. L. Henderson, H. B. Taylor, B. W. Henderson and J. L. McMullen, of Butler County, Alabama; C. Webb, A. J. Perry, G. Harrison, J. C. Swanson and John Walker, of Lowndes County, Alabama; and C. Cromlin, J. E. Belser, E. Langford Lazer, John Craigen, J. J. Seibles, B. S. Bibbs, B. W. Hilliard, E. Barnes, Jas. R. Dilliard, R. Wall and G. Matthews, be, and they are hereby, appointed commissioners to open books and receive subscriptions for stock in a Rail Road, to be constructed from some point or points on the Bay of Pensacola, in Florida, to the city of Montgomery, in Alabama, any three of whom may open in the cities of Pensacola and Montgomery, and such other places as they may think proper, and keep the same open until the whole capital stock is subscribed; and they shall give public notice of times and places of opening said books, not less than twenty days, as they may think proper.

SEC. 2. *Be it further enacted*, That the capital stock of said Company may be one million, five hundred thousand dollars, with the privilege of increasing it to two million, five hundred thousand dollars, should an increase be found necessary for its construction and future management.

Capital stock.

SEC. 3. *Be it further enacted*, That said Rail Road shall extend from some point or points on the Bay of Pensacola, to some point on the boundary line between the States of Florida and Alabama, in the County of Conecuh, lying north of Pensacola Bay, and at which point said road may meet and connect with a Rail Road leading thence to the city of Montgomery.

Termini.

SEC. 4. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assigns shall be, and they are hereby declared to be, incorporated into a company by the name of The Alabama and Florida Rail Road Company, and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property so far as shall be necessary for the purpose of this incorporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity in this State or elsewhere, and to have and use a common seal, and the same to alter or amend at pleasure—to pass such by-laws, rules and ordinances for the good government of said cor-

Name of Com-
pany and cor-
porate powers.

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poration as to them may seem proper, and generally do all things necessary to carry into effect, fully and completely, the object of this Act.

Meeting of subscribers, and election of President and Directors.

SEC. 5. *Be it further enacted*, That, as soon as one hundred thousand dollars shall have been subscribed, the commissioners hereby appointed shall call a meeting of the subscribers, at such time and place as they may appoint, and at such meeting the said subscribers or a majority of them in value, shall elect nine Directors, by ballot, to manage the affairs of said Company, and the commissioners aforesaid, or any three or more of them, shall be Judges of said first election of Directors, and the Directors thus chosen shall elect among themselves a President of said Company, and allow him such compensation as they may think proper, and on all occasions, whenever a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her, and any stockholder may depute any other person to vote and Act for him or her, as his or her proxy.

Manner of voting.

President and Directors to be chosen annually.

SEC. 6. *Be it further enacted*, That the President and Directors of said Company shall be chosen annually by the stockholders of said company, and if any vacancy shall occur by death, resignation or otherwise, of any President or Directors, before the year for which they were elected shall have expired, such vacancy shall be filled by the President and Directors, or a majority of them, and that the President and Directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time, and a majority of stockholders shall have power to remove the President or any Directors, and to fill all vacancies occasioned by removals at pleasure.

Vacancy, how filled.

Power of removal.

Other powers.

SEC. 7. *Be it further enacted*, That the said President and Directors or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said Company; dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers or servants, of said Company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this Company, for carrying into effect the objects of this act: *Provided only*, That such by-laws, shall not be contrary to the laws of this State, or of the United States; and said President and Directors or a majority of them are empowered to borrow

May borrow money.

1852.

money to carry into effect the objects of this act, to issue certificates or other evidences of such loan, and to pledge the property of said company for payment of the same with interest.

SEC. 8. *Be it further enacted*, That the said President and Directors shall have power to require the stockholders of said Company to pay such instalments on their respective shares of stock in said Company, and at such times as they may think best for the interest of said Company, and upon the failure or refusal of any stockholder to pay the instalment required on his, her, or their stock, in pursuance of any call made by said President and Directors as aforesaid, said President and Directors may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder; and if, upon a sale of the shares of stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon instalments as above mentioned, the excess, after deducting accruing interest, and the necessary expenses of sale, shall be paid over to said defaulting stockholder.

Instalments —
when to be pd.

Forfeiture for
non-payment.

SEC. 9. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receive conveyances of land, stone, lumber and wood, which may be necessary or required in the construction of said Railroad; and when the owner and Company cannot agree upon the price, or when the owner is an infant, non-resident or *non compos mentis*, then it shall be lawful for the President and Directors of said Company, to apply to the Sheriff of the County in which said land or other property may be situated, who shall summon a jury of seven disinterested free-holders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the county in which said land or other property may be situated, and which shall be entered by the clerk as the judgment of the Court, and execution may issue thereupon for the amount of said judgment and costs: *Provided*, always, That if either party shall, upon the return thereof be dissatisfied, they may upon filing bond with good and sufficient security, in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court, when said case shall stand for trial *de novo*. *Provided*, also, thirty days notice shall have been given to the oppo-

May purchase
land, &c.

Damages, how
assessed, when
price not a-
greed on.

Appeal, how
taken.

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site party, issued by the clerk of the Court, and served by the Sheriff of the County.

Oath of jury.

SEC. 10. *Be it further enacted*, That the jurors summoned as aforesaid shall, (before proceeding to the discharge of the duties herein required,) take an oath or affirmation, which the Sheriff is hereby authorized to administer, to the effect that they will well and truly inquire into, and to the best of their judgment, assess the damages accruing to the owner or owners of such lands or materials, or lands and materials, by means of the proposed construction.

Property condemned to become property of Company.

SEC. 11. *Be it further enacted*, That the said lands or other property so condemned or estimated as aforesaid, shall inure to and become the property of said Company for the purpose aforesaid, upon the payment by the said Company of the amount assessed by said jury, to the party claiming damages on account of the construction of said Road through said lands, or for such other property: *Provided*, That said work shall be in no wise delayed on account of the proceedings had as aforesaid.

Injury to Road.

SEC. 12. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said Road or Roads, he shall forfeit and pay to the President and Directors of said Company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint to any magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behavior for a period of not less than one year, and such offender shall be subject to indictment, and shall be sentenced, at the discretion of the Court, to be imprisoned not less than three or more than six months.

Punishment for

No public road to be obstructed.

SEC. 13. *Be it further enacted*, That in the construction of the said Railroad, the President and Directors of said Company shall in no manner obstruct any public road now established, but shall provide convenient passages to travel over said road.

How paym'ts may be made.

SEC. 14. *Be it further enacted*, That payments of subscription to the stock in said Railroad may be made in materials, labor, provisions, and all and every thing necessary for the construction of said Road, which the Board of

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Directors, at their discretion, may deem expedient to accept.

SEC. 15. *Be it further enacted*, That after the completion of said Road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandize and other commodities transported thereon, provided the nett profit of said Road shall not exceed twenty per cent. per annum. Tolls

SEC. 16. *Be it further enacted*, That the General Assembly reserve the right and power to authorize the construction of any Railroad to cross the one authorized in this Act, at any point the General Assembly may think proper. Reservation by Gen. Assembly

SEC. 17. *Be it further enacted*, That nothing in this Act shall be so construed as to confer upon said Company any right to exercise the powers of a Banking Company, or to issue any description of paper or evidences of debt, intended as a circulation. Banking privileges prohibited.

SEC. 18. *Be it further enacted*, That said Company, hereby incorporated, shall commence the building of said Road within one year, and complete the same within ten years from the passage of this Act. When building of Road to be commenced.

SEC. 19. *Be it further enacted*, That the said Company hereby incorporated is authorized to construct branch Road or Roads, if deemed necessary. Branch Roads.

SEC. 20. *Be it further enacted*, That the Company hereby incorporated, shall have power to unite with the Alabama and Florida Railroad Company, incorporated by Act of the Legislature of Alabama, approved eleventh of February, one thousand eight hundred and fifty, in such manner as they may think proper. Power to unite with Co. incorporated by Alabama.

[Passed the Senate, December 20, 1852. Passed the House of Representatives, December 30, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 484.—[No. 5.]

AN ACT to incorporate the Pensacola and Georgia Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Owen M. Avery, H. F. Ingraham, Henry Hyer, W. H. Chase, B. D. Wright, Walker Anderson, and Joseph Sierra, of Pensacola; Joseph Forsyth, L. N. Amos, William J. Keyser, L. M. Attaway, James M. Landrum, and John Chain, of Santa Rosa County; D. G.

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Commissioners
to open books.

McLane, John Morrison, James McLane, Giles Bowers, and J. W. Bowers, of Walton County; A. Gillis, T. Jones, C. Broxson, and D. Fennell, of Holmes; Nicholas A. Long, Thomas M. White, George F. Baltzell, James J. Pittman, Benjamin Wynn, John Roulhac, William McNeally, and James L. G. Baker, of Jackson County, be and they are hereby constituted Commissioners to open books and receive subscriptions for stock in a Railroad to be constructed from the city of Pensacola or any other point or points on the waters of the Pensacola Bay, in Florida, and running thence in an Eastwardly direction to the Western or Southern boundary line of the State of Georgia, any three of whom may open books at such times and places as they may think proper, upon giving not less than twenty days' public notice thereof, and shall keep the same open until the whole capital stock is subscribed.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Company may be one million five hundred thousand dollars, with the privilege of increasing it, if necessary, to three million five hundred thousand dollars, divided into such number of shares as a majority of the Board of Directors may determine.

Terminals.

SEC. 3. *Be it further enacted*, That said Railroad shall extend from the city of Pensacola, or any other point or points on the waters of the Pensacola Bay, running Eastwardly, to some point on the boundary line between the States of Florida and Georgia, to be determined by a majority of the Board of Directors of said Company.

Name of company and corporate powers.

SEC. 4. *Be it further enacted*, That as soon as five hundred thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assigns, shall be, and they are hereby, declared to be a body corporate, by the name and style of the "Pensacola and Georgia Railroad Company," and by said corporate name shall be capable in law of purchasing, holding, leasing, selling, and conveying real, personal, and mixed property, as may be necessary for the purpose of this incorporation; may sue and be sued, make contracts, pass by-laws, and do all [lawful] acts properly incident to a corporation or necessary and proper for the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at pleasure: *Provided*, That this shall not confer upon said Company the privilege of Banking.

Banking prohibited.

SEC. 5. *Be it further enacted*, That as soon as five

hundred thousand dollars shall have been subscribed, any three of the Commissioners hereby appointed, shall call a meeting of the subscribers at such times and places as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect by ballot nine Directors to manage the affairs of said Company; and at such and all future elections, each stockholder shall be entitled to one vote for each share [which] he or she may hold, and may vote in person or by proxy, in writing; and the Directors thus chosen shall continue in office for one year, and until others are duly elected in their place; and an annual election of Directors shall thereafter be held by the said Company at such times and places as may be provided for by the by-laws of the Company.

SEC. 6. *Be it further enacted*, That the said Directors shall elect one of their number to be President of said Company, and may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary, dismiss them at pleasure, may fill any vacancies that may occur in the office of Director before the expiration of the year for which they are elected, and all other vacancies in office in like manner, may determine the compensation of all persons in the employ of said Company, and a majority of them shall have power to call meetings of stockholders at any time, or any number of stockholders having a majority of shares may call meetings, and shall have the power to remove the President or any Directors, to fill all vacancies occasioned by removals, at pleasure; and said Directors are further empowered to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this Company, for carrying into effect the object of this Act: *Provided*, Only, that such by-laws shall not be contrary to the law of this State or of the United States; and said Directors, or a majority of them, are empowered to borrow money to carry into effect the object of this Act, to issue certificates or other evidences of such loan, and to pledge the property of said Company for the payment of the same, with the interest.

SEC. 7. *Be it further enacted*, That a majority of the Directors shall constitute a Board for the transaction of business, of whom the President shall be one, save in case of sickness, or other unavoidable cause of absence, when his place may be filled pro tempore by the Board from one of its own members. The Board of Directors may call for instalments on each share of stock in such a

1852.

Directors, how
elected & term
of office.

To elect Pres't,
and appoint of-
ficers.

Vacancies.

Power of re-
moval.

May borrow
money.

Board of Direc-
tors.

1852.

May call for
instalments on
shares.

Forfeiture for
non-payment.

How payments
may be made.

Co. may pur-
chase land, &c.

Damages how
assessed when
price cannot be
agreed on.

Appeal, how
taken.

mount and at such time as they may deem necessary for the interest of the Company; and any and all stockholders failing to pay any instalment so called for within thirty days after the time designated in such call for payment, shall forever forfeit his stock in said Company, and all instalments paid thereon; and the stock so forfeited shall vest [in] and become the property of said Company, to be disposed of as the Board of Directors thereof shall determine.

SEC. 8. *Be it further enacted*, That payment of the subscription to the stock in said Railroad may be made in materials, labor, provisions, and all and everything necessary for the construction of said Road, which the Board of Directors may, at their discretion, deem expedient to accept; and that certificates of stock shall be issued to the stockholders, according as it is paid in, which certificates shall be transferable on the books of the Company only, and by personal entry of the stockholder, or his legal Attorney or Agent, duly authorized in writing for that purpose.

SEC. 9. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receive conveyances of lands, stone, lumber, and wood, which may be necessary or required in the construction of said Railroad; and when the owner and Company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the President and Directors of said Company to apply to the Sheriff of the County in which said land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the County in which said land or other property may be situated, which shall be entered by the Clerk as the judgment of the Court, and execution may issue thereupon for the amount of said judgment and costs: *Provided, always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond, with good and sufficient security, in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court, when said case shall stand for trial *de novo*: *Provided, also*, Thirty days notice shall have been given to the opposite party, issued by the Clerk of the Court, and served by the Sheriff of the County.

SEC. 10. *Be it further enacted*, That the jurors summon-

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Oath of jury.

ed as aforesaid, (before proceeding to the discharge of the duties herein required,) shall take an oath or affirmation, administered by the Sheriff, that they will well and truly inquire into, and to the best of their judgment assess the damages accruing to the owner or owners of such lands or materials, or lands and materials, by means of the proposed construction.

SEC. 11. *Be it further enacted*, That the said lands or other property so condemned and estimated as aforesaid, shall inure to and become the property of said Company, for the purpose aforesaid, upon the payment by the said Company of the amount assessed by said jury to the party claiming damages on account of the construction of said Road through said lands, or for such other property: *Provided*, That said work shall in no wise be delayed on account of the proceedings had as aforesaid.

When prop'rt'y
so condemned
to vest in Co.

SEC. 12. *Be it further enacted*, That [in case] any person shall wilfully injure or obstruct in any degree said Road, he shall forfeit and pay to the President and Directors of said Company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behavior, for a period of not less than one year; and such offender shall also be subjected to indictment, and shall be sentenced, at the discretion of the Court, to be imprisoned not less than three nor more than six months.

Injuries, for-
feiture for.

Penalty for.

SEC. 13. *Be it further enacted*, That in the construction of said Railroad, the President and Directors of said Company shall [in] no manner obstruct any public road now established, but shall provide convenient passages to travel over said road.

No public road
to be obstruct'd.

SEC. 14. *Be it further enacted*, That the said Company shall have full power and authority to carry such Railroad over all and any rivers, creeks, or water courses, or waters that may be in the route thereof, by suitable bridges, or other proper means: *Provided*, That when such Railroad shall cross any navigable water course, that the same shall not be so constructed as to impede or in any way obstruct the navigation thereof.

May cross riv-
ers, &c. but no
obstruct nav-
igation.

SEC. 15. *Be it further enacted*, That after the comple-

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Tolls.

Limitation.

Tax.

Road when to
be commenced
and completed

tion of said Road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandize, and other commodities transported thereon: *Provided*, The nett profit on said Road shall not exceed twenty-five per cent. per annum upon the capital stock.

SEC. 16. *Be it further enacted*, That the said Railroad and its appurtenances, and all property therewith connected, shall not be taxed higher than one-half of one per cent. upon its annual nett income.

SEC. 17. *Be it further enacted*, That the said Company hereby incorporated, shall commence the building of said Road within five years, and complete the same within twenty years from the passage of this Act.

[Passed the House of Representatives, December 13, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 485.—[No. 6.]

AN ACT to incorporate the Pensacola and Mobile Bay Rail Road Company.

Commissioners
to open books.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Walker Anderson, O. M. Avery, Henry Hyer, F. Cummins and H. F. Ingraham, of the city of Pensacola, Florida, be, and they are hereby, appointed commissioners to open books and receive subscriptions for stock in a Railroad, to be constructed from the city of Pensacola, in Florida, to the west line of the State, in the direction of Tensaw, or Mobile Bay, Alabama, any three of whom are authorized to open books for the purpose of receiving subscriptions to the capital stock of said Company, at such times (not exceeding nine months after the passage of this act) and places as they may think proper, upon giving public notice thereof, not less than twenty days, and shall keep the same open until the whole capital stock is subscribed.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Company may be three hundred thousand dollars, with the privilege of increasing it to seven hundred thousand dollars, should such an increase be found necessary for its construction and future management, and shall be divided in shares of one hundred dollars each.

May connect
with other r'ds.

SEC. 3. *Be it further enacted*, That said Railroad may at any point connect or intersect with any other Railroad or Roads, within the State of Florida.

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SEC. 4. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed to the capital of said Company, the subscribers of said stock, their successors and assigns, shall be, and are hereby, declared to be incorporated into a Company, by the name of "The Pensacola and Mobile Bay Railroad Company," and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purpose of this incorporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, or elsewhere; and to have and use a common seal, and the same to alter or amend at pleasure; to pass such by-laws, rules and ordinances for the good government of said corporation, as to them may seem proper, and generally do all things necessary to carry into effect fully and completely the object of this act.

Name and corporate powers.

SEC. 5. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed, and one tenth part thereof paid in cash, the Commissioners hereby appointed, shall call a meeting of the subscribers at such time and place as they may appoint, and at such meeting the said subscribers or a majority of them, in value, shall elect nine Directors, by ballot, to manage the affairs of said Company, and the commissioners aforesaid, or any three of them, shall be Judges of said first election of Directors, and the Directors thus chosen shall elect among themselves a President of said Company, and allow him such compensation as they may think proper, and on all occasions, whenever a vote of stockholders shall be taken, each stockholder shall be allowed one vote for every share owned by him or her, and any stockholder may depute in writing, any other person to vote and act for him or her, as his or her proxy.

Directors, how elected.

Shall choose a President.

Ratio of voting

SEC. 6. *Be it further enacted*, That the said President and Directors of said Company shall be chosen annually by the stockholders of said company, and if any vacancy shall occur by death, resignation or otherwise, of any President or Director, before the year for which they are elected shall have expired, such vacancy shall be filled by the President and Directors, or a majority of them, and that the President and Directors shall hold their office until their successors are chosen and qualified, shall have power to call meetings of stockholders at any time, and a majori-

President, &c. chosen yearly.

Vacancies how filled.

Power of removal.

1852.

ty of stockholders shall have power to remove the President or any Directors, and to fill all vacancies occasioned by removals at pleasure.

May appoint
officers.

SEC. 7. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary to carry on the business of said Company, dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers, and servants of said Company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this Company, for carrying into effect the objects of this Act: *Provided, only*, That such by-laws shall not be contrary to the laws of this State or of the United States; and said President and Directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this Act, to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same with the interest.

May borrow
money.

Power to re-
quire payment
of instalments.

SEC. 8. *Be it further enacted*, That the said President and Directors shall have power to require the stockholders of said Company to pay such instalments on their respective shares of stock in said Company, and at such times, either in money, materials, labor, provisions, or otherwise, as they may think best for the interest of said Company, and upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said President and Directors, as aforesaid, said President and Directors may, upon giving thirty days notice, proceed to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder; and if, upon a sale of the shares of stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon instalments as above mentioned, the excess, after deducting accruing interest and the necessary expenses of sale, shall be paid over to said defaulting stockholder.

How paym'ts
may be made.

Forfeiture for
non-payment.

May purchase
land, &c.

SEC. 9. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receive conveyances of lands, stone, lumber and wood, which may be necessary or required for the construction of said Railroad; and when the owner and Company cannot agree upon the price, or when the owner is an

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infant, non-resident, or *non compos mentis*, or in any wise incapable or unable to manage or attend to his, her or their own affairs, then it shall be lawful for the President and Directors of said Company to apply to the Sheriff of the County in which said land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the County in which said land or other property may be situated, which shall be entered by the Clerk as the judgment of the Court, and when by said Company payment of said judgment is made, the land so appropriated to the use of the Road may be used, owned and occupied by said Company for the purpose aforesaid: *Provided, always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond, with good and sufficient security, in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court, when said case shall stand for trial *de novo*: *Provided, also*, Thirty days notice shall have been given to the opposite party, issued by the Clerk of the Court and served by the Sheriff of the County; and in no case shall such appeal so operate as to delay the progress of the work on said Railroad.

Damages, how assessed, when price cannot be agreed on.

When land to vest in comp'y.

Appeal, how taken.

SEC. 10. *Be it further enacted*, That the persons summoned as aforesaid, shall (before proceeding to the discharge of the duties herein required,) take an oath or affirmation, which the Sheriff is hereby authorized to administer, to the effect that they will, well and truly inquire into, and to the best of their judgment, assess the damages accruing to the owner or owners of such lands or materials, by means of the proposed construction; and the said lands, or property so condemned and estimated as aforesaid, shall become the property of said Company, upon the payment of the damages assessed by said jury.

Oath of jury.

SEC. 11. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said Road or Roads, he shall forfeit and pay unto the said Company, three times the amount of all damages it may sustain in consequences thereof, to be sued for and recovered before any Court having jurisdiction thereof, and on complaint to any magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behaviour for

Injuries to road forfeiture for.

Penalty for.

1852.

a period of not less than one year, and such offender shall also be subjected to indictment, and shall be sentenced at the discretion of the Court to be imprisoned not less than three nor more than six months.

Tolls.

SEC. 12. *Be it further enacted*, That after the completion of said Road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandize and other commodities transported thereon, provided the nett profit of said road shall not exceed twenty-five per cent. per annum, and shall provide convenient passages to travel over said road whenever it shall cross a public highway.

Limitation of

Road when to
be commenced
and completed.

SEC. 13. *Be it further enacted*, That said Company, hereby incorporated, shall commence the building of said road within one year, and complete the same within fifteen years from the passage of this Act.

Banking prohi-
bited.

SEC. 14. *Be it further enacted*, That nothing in this Act shall be so construed as to confer upon said Company any right to exercise the powers of a Banking Company, or to issue any description of paper intended for current circulation.

Certificates of
stock to be is-
sued.

SEC. 15. *Be it further enacted*, That certificates of Stock shall be issued to the Stockholders, on the payment of each instalment, which shall be transferable on the books of the Company only, and by personal entry of the stockholder or his legal attorney or representative duly authorized for that purpose.

[Passed the Senate December 21, 1852. Passed the House of Representatives December 31, 1852. Approved by the Governor January 8, 1853.]

CHAPTER 486.—[No. 7.]

AN ACT to Incorporate the Pensacola Rail Road Company.

Commissioners
to open books.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Walker Anderson, O. M. Avery, Henry Hyer, B. D. Wright, and Joseph Sierra, of the city of Pensacola, Florida, be and they are hereby appointed Commissioners to open books and receive subscriptions for stock in a Railroad to be constructed from the city of Pensacola, or any other point or points on the waters of Pensacola Bay, in Florida, to the North line of the State in the direction of the city of Montgomery, Alabama, any three of whom are authorized to open books for the purpose of re-

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ceiving subscriptions to the capital stock of said Company at such times and places, (not exceeding nine months after the passage of this Act,) as they may think proper, upon giving public notice thereof not less than twenty days, and shall keep the same open until the whole capital stock is subscribed: *Provided*, That the books shall be closed within five years.

SEC. 2. *Be it further enacted*, That the capital stock of said Company may be three hundred thousand dollars, with the privilege of increasing it to seven hundred thousand dollars, should such an increase be found necessary for its construction and future management, and shall be divided into shares of one hundred dollars each. Capital stock.

SEC. 3. *Be it further enacted*, That said Railroad may at any point connect or intersect with any other Railroad or Roads within the State of Florida. Road may connect with any other.

SEC. 4. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a Company by the name of the "Pensacola Railroad Company," and by that name shall be capable in law of purchasing, holding, leasing, selling, and conveying real, personal, and mixed property, so far as shall be necessary for the purpose of this incorporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State, or elsewhere, and to have and use a common seal, and the same to alter or amend at pleasure, to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem proper, and generally do all things necessary to carry into effect fully and completely the object of this Act. Name and corporate powers.

SEC. 5. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed and ten [per cent.] paid thereon in cash, the Commissioners hereby appointed shall call a meeting of the subscribers at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of those holding a majority of shares in said Company, shall elect nine Directors by ballot to manage the affairs of said Company, and the Commissioners aforesaid, or any three of them, shall be judges of said first election of Directors, and the Directors thus chosen shall elect among themselves a President of said Directors to be elected.

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Shall choose a
President.

Ratio of voting

President, &c.
chosen yearly.

Vacancies how
filled.

Power of re-
moval

May appoint
officers.

May borrow
money.

Power to re-
quire payment
of instalments.

Company, and allow him such compensation as they may think proper, and on all occasions whenever a vote of stockholders shall be taken, each stockholder shall be allowed one vote for each share owned by him or her, and any stockholder may depute in writing any other person to vote and act for him or her, as his or her proxy.

SEC. 6. *Be it further enacted*, That the said President and Directors of said Company shall be chosen annually by the stockholders of said Company, and if any vacancy shall occur, by death, resignation, or otherwise, of any President or Directors, before the year for which they were elected shall have expired, such vacancy shall be filled by the President and Directors, or a majority of them, and that the President and Directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time, and a majority of stockholders shall have power to remove the President or any Directors, and to fill all vacancies occasioned by removals, at pleasure.

SEC. 7. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said Company; dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers, and servants of said Company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this Company, for carrying into effect the object of this act: *Provided, only*, That such by-laws shall not be contrary to the laws of this State or of the United States; and said President and Directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act; to issue certificates or other evidences of such loan, and to pledge the property of said Company for the payment of the same, with the interest.

SEC. 8. *Be it further enacted*, That the said President and Directors shall have power to require the stockholders of said Company to pay such instalments on their respective shares of stock in said Company, and at such times either in money, materials, labor, provisions, or otherwise, as they may think best for the interest of said Company; and upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said President and Directors,

as aforesaid, said President and Directors may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder, and if upon a sale of the shares of stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon instalments as above mentioned, the excess, after deducting accruing interest, and necessary expenses of sale, shall be paid over to said defaulting stockholder.

SEC. 9. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receive conveyances of land, stone, lumber and wood, which may be necessary or required for the construction of said Railroad; and when the owner and Company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, or in any wise incapable or unable to manage or attend to his, her or their own affairs, then it shall be lawful for the President and Directors of said Company to apply to the Sheriff of the County in which said land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the County in which said land or other property may be situated, which shall be entered by the Clerk as the judgment of the Court, and upon payment by said Company of said judgment, execution may issue thereupon for the amount of said judgment and costs: *Provided, always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond, with good and sufficient security, in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court, when said case shall stand for trial *de novo*: *Provided, also*, Thirty days notice shall have been given to the opposite party, issued by the Clerk of the Court and served by the Sheriff of the County; and in no case shall such appeal so operate as to delay the progress of the work on said Railroad.

SEC. 10. *Be it further enacted*, That the persons summoned as aforesaid shall, (before proceeding to the discharge of the duties herein required,) take an oath or affirmation, which the Sheriff is hereby authorized to administer, to the effect that they will well and truly inquire into and to the best of their judgment assess the damages accruing

1852.

How payments
may be made.Forfeiture for
non-payment.May purchase
land, &c.Damages, how
assessed, when
price cannot be
agreed on.Appeal, how
taken.

Oath of jury

1852.

When prop'ry
to vest in Co.

to the owner or owners of such lands or materials, or lands and materials, by means of the proposed construction; and the said lands, or the property so condemned and estimated as aforesaid, shall become the property of said Company, upon payment of the damages assessed by said jury.

Injuries to ro'd
forfeiture for.

SEC. 11. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said Road or Roads, he shall forfeit and pay unto the said Company three times the amount of all damages it may sustain in consequence thereof, to be sued for and recovered in any Court having jurisdiction thereof; and on complaint to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behavior for a period of not less than one year; and such offender shall also be subjected to indictment, and shall be sentenced, at the discretion of the Court, to be imprisoned not less than three nor more than six months.

Penalty for.

Tolls.

SEC. 12. *Be it further enacted*, That after the completion of said Road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandise, and other commodities transported thereon: *Provided*, The nett profit of said Road shall not exceed 25 per cent. per annum; and shall provide convenient passages to travel across said Road, whenever it shall cross a public highway.

Limitation of.

Road when to
be commenced
and completed.

SEC. 13. *Be it further enacted*, That said Company hereby incorporated shall commence the building of said Road within one year, and complete the same within fifteen years from the passage of this Act.

Banking prohib-
ited.

SEC. 14. *Be it further enacted*, That nothing in this act shall be so construed as to confer upon said Company any right to exercise the powers of a Banking Company, or to issue any description of paper intended for current circulation.

Certificates of
stock to be is-
sued.

SEC. 15. *Be it further enacted*, That certificates of Stock shall be issued to the Stockholders, on the payment of each instalment, which shall be transferable on the Books of the Company only, and by personal entry of the Stockholder, or his legal attorney or representative, duly authorized for that purpose.

[Passed the House of Representatives December 11, 1852. Passed the Senate December 20, 1852. Approved by the Governor January 7, 1853.]

CHAPTER 487.—[No. 8.]

AN ACT to incorporate the Escambia Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Walker Anderson, O. M. Avery, S. A. Leonard, B. D. Wright, and Joseph Sierra, of the city of Pensacola, Florida, be, and they are hereby appointed commissioners to open books and receive subscriptions for stock in a Rail Road to be constructed from the city of Pensacola, in Florida, to connect with the Girard and Mobile Bay Rail Road in the State of Alabama at the most eligible point; any three of whom are authorized to open books for the purpose of receiving subscriptions to the capital Stock of said Company, at such times and places as they may think proper, upon giving public notice thereof not less than twenty days, and shall keep the same open until the whole capital Stock is subscribed.

Commissioners
to open books.

SEC. 2. *Be it further enacted,* That the capital stock of said Company may be three hundred thousand dollars, with the privilege of increasing it to seven hundred thousand dollars, should such an increase be found necessary for its construction and future management, and shall be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. *Be it further enacted,* That said Railroad may at any point connect or intersect with any other Railroad or Roads.

May connect
with other r'ds.

SEC. 4. *Be it further enacted,* That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assigns shall be, and they are hereby, declared to be incorporated into a Company by the name of the "Escambia Railroad Company," and by that name shall be capable in law of purchasing, holding, leasing, selling, and conveying real, personal, and mixed property, so far as shall be necessary for the purpose of this incorporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State or elsewhere, and to have and use a common seal, and the same to alter or amend at pleasure, to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem proper, and generally do all things ne-

Name of com-
pany and cor-
porate powers.

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cessary to carry into effect fully and completely the object of this act.

Directors, how
elected.

Shall choose a
President.

Ratio of voting

President, &c.
chosen yearly.

Vacancies how
filled.

Power of re-
moval.

May appoint
officers.

May borrow
money.

SEC. 5. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed, the Commissioners hereby appointed, shall call a meeting of the subscribers at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect nine Directors by ballot, to manage the affairs of said Company, and the Commissioners aforesaid, or any three of them, shall be judges of said first election of Directors, and the Directors thus chosen shall elect among themselves a President of said Company, and allow him such compensation as they may think proper, and on all occasions, whenever a vote of stockholders shall be taken, each stockholder shall be allowed one vote for each share owned by him or her, and any stockholder may depute in writing any other person to vote and act for him or her, as his or her proxy.

SEC. 6. *Be it further enacted*, That the said President and Directors of said Company shall be chosen annually by the stockholders of said Company, and if any vacancy shall occur by death, resignation, or otherwise of any President or Directors, before the year for which they were elected shall have expired, such vacancy shall be filled by the President and Directors, or a majority of them, and that the President and Directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time, and a majority of stockholders shall have power to remove the President or any Directors, and to fill all vacancies occasioned by removals, at pleasure.

SEC. 7. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary to carry on the business of said Company; dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers, and servants of said Company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this Company, for carrying into effect the object of this Act: *Provided, only*, That such by-laws shall not be contrary to the laws of this State or of the United States; and said President and Directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this Act, to issue

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certificates, or other evidences of such loan, and to pledge the property of said Company for the payment of the same, with interest.

SEC. 8. *Be it further enacted*, That the said President and Directors shall have power to require the stockholders of said Company to pay such instalments on their respective shares of stock in said Company, and at such times, either in money, materials, labor, provisions, or otherwise, as they may think best for the interest of said Company, and upon the failure or refusal of any stockholder to pay the instalment required on his, her, or their stock, in pursuance of any call made by said President and Directors as aforesaid, said President and Directors may, upon giving thirty days notice, proceed to to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder, and if, upon a sale of the shares of stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon instalments as above mentioned, the excess, after deducting accruing interest, and the necessary expenses of sale, shall be paid over to said defaulting stockholder.

May call for instalments on shares.

How payments may be made.

Forfeiture for non-payment.

SEC. 9. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receive conveyances of lands, stone, lumber, and wood, which may be necessary or required for the construction of said Rail Road, and when the owner and Company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, or in anywise incapable or unable to manage or attend to his, her, or their own affairs, then it shall be lawful for the President and Directors of said Company to apply to the Sheriff of the County in which said land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages and return their award of judgment to the next term of the Circuit Court for the County in which said land or other property may be situated, which shall be entered by the Clerk as the judgment of the Court, and execution may issue thereupon for the amount of said judgment and costs: *Provided, always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond, with good and sufficient security, in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court,

May purchase land, &c.

Damages, how assessed, when price not agreed on.

Appeal, how taken.

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when said case shall stand for trial *de novo*: *Provided, also*, Thirty days' notice shall have been given to the opposite party, issued by the Clerk of the Court and served by the Sheriff of the County; and in no case shall such appeal so operate as to delay the progress of the work on said Rail Road.

Oath of jury.

When prop'ty
so condemned
to vest in Co.

SEC. 10. *Be it further enacted*, That the persons summoned as aforesaid, shall, (before proceeding to the discharge of the duties herein required) take an oath or affirmation, which the Sheriff is hereby authorized to administer, to the effect that they will well and truly inquire into and to the best of their judgment assess the damages accruing to the owner or owners of such lands or materials, or lands and materials, by means of the proposed construction; and the said lands or the property so condemned and estimated as aforesaid, shall become the property of said Company, upon payment of the damages assessed by said jury: *Provided*, That said work shall in no wise be delayed on account of the proceedings had as aforesaid.

Injuries, for-
feiture for.

Penalty for.

SEC. 11. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said Road or Roads, he shall forfeit and pay unto the said Company three times the amount of all damages it may sustain in consequence [thereof,] to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behaviour for a period of not less than one year; and such offender shall also be subjected to indictment, and shall be sentenced, at the discretion of the Court, to be imprisoned not less than three nor more than six months.

Tolls.

Limitation.

SEC. 12. *Be it further enacted*, That after the completion of said Road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandise, and all other commodities transported thereon: *Provided*, The nett profit of said Road shall not exceed 25 per cent. per annum; and shall provide convenient passages to travel over said Road, whenever it shall cross a public highway.

Road when to
be commenced
and completed

SEC. 13. *Be it further enacted*, That said Company hereby incorporated shall commence the building of said Road within five years, and complete the same within fifteen years from the passage of this act.

SEC. 14. *Be it further enacted*, That nothing in this act shall be so construed as to confer upon said Company any right to exercise the powers of a Banking Company, or to issue any description of paper intended for current circulation.

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Banking prohibited.

SEC. 15. *Be it further enacted*, That certificates of stock shall be issued to the stockholders, on the payment of each instalment, which shall be transferable on the books of the Company only, and by personal entry of the stockholder, or his legal attorney or representative, duly authorized for that purpose.

Certificates of stock to be issued.

[Passed the House of Representatives, December 13, 1852. Passed the Senate, December 22, 1852. Approved by the Governor, December 29, 1852.]

CHAPTER 488.—[No. 9.]

AN ACT granting to Railroad Companies lands granted or hereafter to be granted to the State by the General Government, for the purpose of aiding in the construction of Railroads within the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all lands which have been granted or may hereafter be granted by the General Government to the State of Florida, for the purpose of aiding in the construction of various Railroads within this State, shall be donated and appropriated to the several Roads respectively, in accordance with the act or acts of Congress donating the same, subject to the provisions hereinafter mentioned.

Lands granted to be appropriated to several roads respectively according to act of Congress.

SEC. 2. *Be it further enacted*, That a copy of the survey of said Road or Roads entitled to said lands, made under the direction of the Board of Directors of the Company, and at the expense of said Company, shall be forwarded to the proper Land Offices respectively, and to the General Land Office at Washington City, within ninety days after the completion of the same.

Copy of survey to be forwarded to proper land offices.

SEC. 3. *Be it further enacted*, That the Governor of this State be and he is hereby authorized and required to appoint an agent to select the lands granted or to be granted as aforesaid, as soon as the conditions contained in the second section of this act shall have been complied with: *Provided*, That the expense attendant upon the employment of said agent, shall be paid by the said Company or Companies respectively.

Govern'r to appoint agent to select.

Proviso.

SEC. 4. *Be it further enacted*, That it shall be the duty

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Governor to
transfer lands.How transfer
to be made, if
not inconsistent
with act of
Congress.

of the Governor of this State to transfer and make-over said lands to said Companies respectively, in strict accordance with the act or acts of Congress donating the same: *Provided*, That if it be not inconsistent with the said act or acts, he shall transfer said land or lands in the following manner, to-wit: Whenever ten miles or more of any of said Roads shall have been graded and made ready for the reception of the superstructure, then such a proportion of the whole of said lands to which each of said Roads may be entitled, shall be transferred by the Governor to the Road or Company entitled to the same, as said section of ten miles or more bears to the whole length of the Road, and as fast as the Road is or shall be graded in sections of ten miles or more, the land or lands shall be transferred in the manner above mentioned, until all of the said lands shall have been granted to the Road or Company entitled to the same.

[Passed the House of Representatives, December 30, 1852. Passed the Senate, December 31, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 489.—[No. 10.]

AN ACT to repeal an Act entitled an Act granting to the Alabama and Florida Railroad Company land granted or hereafter to be granted to the State by the General Government, for the purpose of aiding in the construction of a Railroad from Pensacola to Montgomery.

Act named in
title repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an Act entitled an Act granting to the Alabama and Florida Railroad Company land granted or hereafter to be granted to the State by the General Government, for the purpose of aiding in the construction of a Railroad from Pensacola to Montgomery, approved January 24th, 1851, be and the same is hereby repealed.

[Passed the Senate, December 10, 1852. Passed the House of Representatives, December 15, 1852. Approved by the Governor, December 23, 1852.]

CHAPTER 490.—[No. 11.]

AN ACT relative to Associations for Manufacturing Purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That at any time hereafter, any ten or

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Association for
Manufacturing
purposes.

more persons, of whom at least five shall be residents of the State of Florida, who shall be desirous to form a Company for the purpose of manufacturing woolen, cotton, or linen goods, or for the purpose of making glass, or for the purpose of making, from ore, bar iron, anchors, mill irons, steel, nail rods, hoop iron, and iron-mongery, sheet copper, sheet lead, shot, white lead and red lead, or for the purpose of manufacturing clay or earth into wares and articles, for any use whatsoever, or for the purpose of manufacturing turpentine into spirits of turpentine, rosin oil, or for any use whatsoever; also, for the purpose of manufacturing morocco, and other leather; and also for the purpose of manufacturing of lumber, and the manufacturing of lumber into articles for any use whatsoever; may make, sign, and file in the office of the Secretary of this State, a certificate in writing, in which shall be stated the corporate name of the said Company, and the objects for which the said Company is formed, the amount of the capital stock of the said Company, the number of shares of which the said stock shall consist, the number of trustees, and their names, who shall manage the concerns of the said Company for the first year, and the names of the town, city, or county in which the manufacturing operations of the said Company are to be carried on.

Certificate of
name and ob-
ject, &c.

SEC. 2. *Be it further enacted*, That as soon as such certificate shall be filed as aforesaid, the persons who shall have signed the said certificate, and their successors, shall, after the day of filing such certificate, be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, purchasing, holding and conveying any lands, tenements, hereditaments, goods, wares, and merchandise whatsoever, necessary to enable the said Company to carry on their manufacturing operations mentioned in such certificate.

Body politic &
corporate.

Powers of.

SEC. 3. *Be it further enacted*, That the stock, property, and concerns of such Company shall be managed and

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Trustees to manage and conduct.

How elected.

Vacancies.

Proviso.

Failure to elect

Capital stock, how called in.

Forfeiture for non-payment.

Powers of trustees.

conducted by Trustees, who, except those for the first year, shall be elected at such time and place as shall be directed by the by-laws of the said Company, and public notice shall be given of the time and place of holding such election not less than ten days previous thereto, in the newspaper published nearest to the place where the manufacturing operations of the said Company shall or are to be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of the stock of the said Company, and the persons having the greatest number of votes shall be Trustees; and whenever any vacancy shall happen among the Trustees, by death, resignation, or removal out of the State, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the said Company: *Provided, always*, That the number of Trustees shall not exceed nine, and that they shall respectively be stockholders of such Company.

SEC. 4. *Be it further enacted*, That in case it shall at any time happen that an election of Trustees be not made on the day when by the by-laws of the said Company it ought to have been done, the said Company for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for Trustees, in such manner as shall be directed by the by-laws in such Company.

SEC. 5. *Be it further enacted*, That the capital stock of such Company shall not exceed two hundred thousand dollars; and it shall be lawful for the Trustees to call and demand from the stockholders respectively all such sums of money by them subscribed, at such times, and in such proportions as they shall deem proper, under pain of forfeiting the said shares of the said stockholders, and all previous payments made thereon, if such payments shall not be made within sixty days after a notice requiring such payment shall have been published in such newspaper as aforesaid.

SEC. 6. *Be it further enacted*, That the Trustees of such Company for the time being, shall have power to make and prescribe such by-laws, rules and regulations as they shall deem proper, respecting the management and disposition of the stock, property and estate of such Company, the duties of the officers, artificers and servants by them to be employed, the election of trustees, and all such matters as

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appertain to the concerns of the said Company, to appoint such and so many officers, clerks and servants for carrying on the business of the said Company, and with such wages as to them shall seem reasonable: *Provided*, That such by-laws be not inconsistent with the Constitution and laws of this State or of the United States.

SEC. 7. *Be it further enacted*, That the stock of such Company shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the laws of the Company, and that it shall not be lawful for such Company to use their funds, or any part thereof, in any banking transaction, or in the purchase of any stock of any Bank, or in the purchase of any public stock whatsoever, or for any other purposes than those specified in such instrument as aforesaid.

Stock deemed personal estate

How transferable.

Funds not to be used except for purposes specified.

SEC. 8. *Be it further enacted*, That the copy of any certificate filed in pursuance of this act, and certified to be a true copy by the Secretary of this State, or his Deputy, shall, together with this Act, be received in all Courts and places as legal evidence of the incorporation of such Company.

Copy of certificate evidence of incorporat'n.

[Passed the House of Representatives, January 7, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 491.—[No. 12.]

AN ACT to amend the several General Laws for the Incorporation of all such Churches, and Religious and other Societies, as may accept thereof, now in force in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be lawful for any religious denomination in this State, by their Conference, Presbytery, Association, Convention, or any voluntary Society recognized by the above, to appoint trustees, both lay and clerical, according to their rules and usages, for the establishment of Colleges, Academies, High Schools, Seminaries of Learning, or for the promotion of religious objects; and the said Trustees so appointed shall be a body corporate, with powers as such to buy, or receive by gift, devise, or otherwise, real and personal property of all descriptions, and to use and dispose of the same for the benefit of the said trust; and the said Trustees appointed as aforesaid shall be capable in law of suing and being sued, pleading

Religious Societies may establish Colleges, &c.

Trustees to be a body corporate and politic

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and being impleaded, and doing all other acts properly pertaining to their office as Trustees.

Their powers.

SEC. 2. *Be it further enacted*, That said Trustees shall have power to make, alter, change, or repeal all such by-laws as they may deem necessary to carry out the purposes for which they may be appointed

Appointment to be recorded.

SEC. 3. *Be it further enacted*, That the said Trustees shall be required to record the fact of their appointment and organization in the office of the Judge of Probate and County Commissioners in the County in which is located such Institution of Learning, Academy, High School, College, Seminary, or Society, which record shall be notice of the fact of their corporate capacity.

Societies may appoint Trustees of Charitable Fund.

SEC. 4. *Be it further enacted*, That any Conference, Presbytery, Association, Convention, or voluntary Society recognized by the above, shall have authority also to appoint, according to their own rules and usages, Trustees of any Charitable Fund which they may now have or may hereafter acquire, by donation or otherwise; and said Trustees so appointed shall be a corporate body, with all the liabilities and powers of corporate bodies, for the purpose for which they may be appointed.

Body corporate.

Acts of Trustees of East Florida Seminary declared lawful.

SEC. 5. *Be it further enacted*, That all the acts and proceedings of the persons who have acted as Trustees on behalf of the contemplated East Florida Seminary, when acting in relation to said Seminary, are hereby declared to be as lawful and of the same force as if they had observed and complied with all the provisions of the acts for the incorporation of Academies and Seminaries of Learning.

Certain acts repealed.

SEC. 6. *Be it further enacted*, That an Act to incorporate the Trustees of the Fund of Special Relief of Florida Annual Conference of the Methodist Episcopal Church, approved February 17, 1845; also, an Act to incorporate the Preacher's Aid Society of the Florida Annual Conference of the Methodist Episcopal Church, approved 17th February, 1845, be and the same are hereby repealed.

[Passed the Senate December 31, 1852. Passed the House of Representatives January 6, 1853. Approved by the Governor January 8, 1853.]

CHAPTER 492.—[No. 13.]

AN ACT to incorporate the Town of Palatka.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General As-*

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Palatka, incorporation of

sembly convened, That all the free white male inhabitants over the age of twenty-one years, residing within one mile of the Court House in the Town of Palatka in the County of Putnam, and their successors, be and are hereby declared to be a body Politic and Corporate by the name and style of "the Town of Palatka," with all [the] rights powers and privileges incident and appertaining to a corporation, body politic or natural person; and by that name and style they may sue and be sued, hold, possess and enjoy real and personal property, and dispose of and transfer the same and manage the funds of said Town as shall be most beneficial to the interest thereof; they may have and use a Common Seal and alter or renew the same.

SEC. 2. *Be it further enacted,* That the government of said Town and business and affairs of said Corporation, shall be vested in a Town Council consisting of a Mayor and four Councilmen, each of whom shall have resided six months within the limits aforesaid, or within the limits of said town after the same shall be fixed by the Town Council as hereafter required. Government.

SEC. 3. *Be it further enacted,* That the first Town Council to be elected as hereafter provided shall have the power to define the limits or boundaries of said Town, provided however, that the boundaries shall not include an area of over 640 acres in all, and shall include all of the present settlements or Town of Palatka, and such territory adjacent thereto as may be deemed proper within the quantity aforesaid; and the said Council shall at their first or some subsequent meeting, within three months thereafter, determine the said boundaries by Resolution to be duly entered on their minutes and a copy of which shall be filed in the County Clerk's office; and the said boundaries shall not thereafter be altered except by the consent or act of the General Assembly. Boundaries.

SEC. 4. *Be it further enacted,* That the first Mayor and Councilmen shall be elected within two months after the passage and approval of this act, at the Court House in Palatka and on a day of which fifteen days' notice shall be given by the Inspectors hereinafter named by posting the same in three conspicuous places in said Town; and the said Mayor and Councilmen shall hold their offices for one year or until others are elected, and thereafter the said Mayor and Councilmen shall be elected annually on the third Monday of April in each year and at such places and on such notice as may be provided for by the by-laws of said Town Council. Mayor and Councilmen, election of.

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cil, but the Mayor and Councilmen shall in all cases hold over or continue in office until their successors or a majority of them are duly elected and qualified.

Voters, qualifications of

SEC. 5. *Be it further enacted*, That at all such elections all free white male inhabitants of said Town, over the age of twenty-one, who are citizens of the United States, and who shall have resided within the limits of said Town, over six months immediately preceding the election, shall be entitled to vote for Mayor and Councilmen.

Inspectors.

SEC. 6. *Be it further enacted*, That the said elections shall be conducted by three Inspectors to be appointed at least two weeks before the election by the Mayor, except the Inspectors of the first election who shall be Albert E. Hertz, Robert T. Boyd and James O. Devall.

Duty of

SEC. 7. *Be it further enacted*, That the said Inspectors shall be Judges of the qualification of voters and it shall be the duty of them or any two of them on the day appointed by law for holding the elections, to open the poll for the reception of voters, and to cause the names of voters to be recorded in a book to be kept for that purpose, which shall be deposited at the close of the election amongst the archives of the Corporation; the polls shall open at ten o'clock in the morning, and close at four o'clock in the afternoon, after which the Inspectors shall proceed to count the votes and declare the persons elected as Mayor and Councilmen, and make out a written certificate thereof at the foot of the poll list; and notice of their election shall be given to each of them, who upon receipt thereof shall signify their acceptance or refusal.

Mayor, oath of

SEC. 8. *Be it further enacted*, That if the said Mayor elect shall signify his acceptance of said office, the former Mayor, or in the event of his absence, any Justice of the Peace or Judge of the County Court shall, as soon as practicable, within five days assemble the Board, and in their presence administer to him the following oath: I, A. B., do solemnly swear (or affirm) that I will to the utmost of my power, support, advance and defend the interest, peace and good order of the Town of Palatka, and faithfully discharge the duties of Mayor of said Town during my continuance in office, and I do further swear that I will support the Constitution of the State of Florida and of the United States: And the Mayor elect, upon being thus qualified, shall then administer the like oath to the Councilmen elect, and thereupon the duties of the former Board shall cease.

SEC. 9. *Be it further enacted*, That if the Mayor elect or any of the Councilmen shall decline to accept the office to which he or they may have been elected, or accepting, any or either shall not qualify by taking the prescribed oath within five days, then the Mayor in office or the person exercising the duties thereof, shall by proclamation, direct an election to be held for supplying such seats in the Board as may be vacant, giving at least one week's notice thereof, designating at the same time the persons appointed to superintend and conduct said election.

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Mayor, vacancy office of

SEC. 10. *Be it further enacted*, That if the office of Mayor or [any] Councilman shall at any time become vacant by death, resignation, removal, or otherwise, it shall be the duty of the Mayor, or the person exercising the duties of Mayor agreeably to this Act, in like manner as is provided in the preceding section, to order a new election to fill such vacancy or vacancies.

Councilman,
vacancy.

SEC. 11. *Be it further enacted*, That the said Council shall have power and authority to pass all laws and ordinances that may be necessary and expedient for the good government of said town, and for the preservation of the public peace, health, and morals: *Provided, however*, They are not inconsistent with the Laws or Constitution of this State or the United States; they shall especially have power to regulate, alter, and improve and extend the streets, lanes and avenues of said town, or to lay out and establish and open new streets, and to cause obstructions or encroachments to be removed, making to the parties injured by any such improvement a just compensation, and charging upon those benefitted a reasonable assessment, to be ascertained in either case in such manner as shall be agreed upon by the parties, or by a jury of twelve disinterested freeholders, to be organized in such manner as by ordinance the said Council may provide; they shall have power to prevent and abate nuisances of any character, to prevent hogs and cattle from running at large in said town, to order and compel the owners of any lots upon which there are any drains or runs of water to keep them open and unobstructed, so that the water may freely pass off or run in the same, and also, by ordinance or otherwise, to compel persons to erect and keep in repair partition fences; they shall have power to guard against the introduction of infectious or malignant diseases, and for that purpose may pass all necessary quarantine laws and regulations; they may regulate wharfage and dockage, and the

Council, powers of.

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mooring and anchorage of vessels, erect and maintain bridges and establish ferries, and regulate the rates of ferryage and tolls; they may erect markets and other necessary public buildings and structures, and dispose of the same as the interests of the town require, and they may dig and sink wells and pumps, dig drains, and do and perform all such other act or acts as shall seem necessary and best adapted to the general interests of said town, and to pass all necessary laws to guard against fires, and insure the sweeping of chimneys, and the exercise of due caution and vigilance on the part of individuals against fires; they may establish and regulate markets, and require and compel all persons bringing fresh provisions into the town to exhibit them for sale at the market, and at the proper market hours; also to establish and regulate the assize of bread, the inspection of provisions [or other produce,] being the growth or manufacture of this State, which may be brought into said town for sale, or sent from it; the guaging of liquors, the measuring or weighing of any article of produce or merchandize, the storing of gunpowder, and all naval and military stores, not the property of the United States; they shall have power to tax auctioneers, and to licence and tax retailers of goods and liquors, hawkers and pedlars, taverns and public boarding house keepers, hackney carriages, carts and drays; they shall also have power to restrain and suppress lotteries, tippling houses or grog shops, gaming houses, and houses of ill-fame, and any immoral public exhibitions, and also to suppress riots and disorderly assemblies, and may provide for the punishment of all breaches of the peace within the limits of said town, and of all breaches or violations of their by-laws or ordinances by fine or imprisonment, or both: *Provided*, That the fine shall in no case exceed thirty dollars, and the imprisonment five days.

Public Schools
 &c. taxes for.

SEC. 12. *Be it further enacted*, That the said town Council shall further have power and authority to provide by tax or otherwise a fund for the support of the poor, the infirm, the diseased and insane, to establish public schools, and provide for their maintenance, and to organize patrols, and provide for the punishment of negroes and persons of color, to appoint a City Marshal, Treasurer, and other necessary officers, and the City Marshal shall be authorized to serve any process issued by the Mayor, and to perform such other services as may be required of him by the by-laws of said town.

SEC. 13. *Be it further enacted*, That the said Council shall have power to assess, levy and enforce the collection of all taxes, and other impositions as may be necessary for the support of the government of said town, and the improvements thereof: *Provided*, That no higher rate of tax shall be levied upon real estate than one per cent. on the assessed value thereof, to be determined by assessors chosen in such manner as said Council may provide, and the said taxes to be collected by distress and sale, after default shall be made in the payment thereof, in the most convenient and least expensive way, as to the said Mayor and Councilmen shall be deemed expedient; and the said Council shall have power further to provide for the trial [before the Mayor or otherwise] of all offences that may arise under the ordinances of said town, and shall enforce the collection of all fines and penalties that may arise as aforesaid, in such manner as said Court by ordinance may provide.

Rate of taxation.

SEC. 14. *Be it further enacted*, That it shall be the duty of the Mayor to see that the ordinances of the town are faithfully executed, recommend to the Council for appointment all necessary town officers, and report and cause their removal whenever, by negligence or misconduct, the interests of the town may require it; he shall preside at all meetings of the Board, and propose such measures as he shall think important to the public interests, but shall only be entitled to the casting vote; and he shall have power to convene the Board whenever it shall be necessary; he shall have, possess, exercise and enjoy all the powers, duties and privileges, and receive the same compensation as a Justice of the Peace.

Mayor, duty of

SEC. 15. *Be it further enacted*, That the said town Council shall have power to compel the attendance of its members, and to judge of the election returns, and qualifications of the Mayor and its own members, and the yeas and nays on every question shall, at the request of any two members, be placed on the record; that the said town Council shall have power, upon the recommendation of the Mayor, to appoint and remove all officers, and fix their compensation, and establish such fees as may or ought to be allowed for such services as may be required of them, and the same to dismiss at pleasure; and two-thirds of said Council may expel a member of the same for disorderly behavior, or mal-conduct in office.

Election returns.

SEC. 16. *Be it further enacted*, That it shall be the duty of said town Council to cause to be kept regular records

Proceedings of Council, records of

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of their proceedings, and of their ordinances, rules, and regulations, and they shall promulgate their ordinances without unnecessary delay, by posting the same at two most public places in said town, or by publishing the same in any newspaper in said town, so that the same may be exposed to public view at least four weeks.

Meetings
Council.

SEC. 17. *Be it further enacted*, That it shall be the duty of said town Council to hold their meetings in public, and at such time and places as to the said Council may seem fit, and the Mayor shall be President of the Board, and in the absence or disability of the Mayor, a majority of the Council may, on any occasion, appoint from among their number a Mayor, who shall have power *pro tempore* to do the duties of Mayor: *Provided, however*, That a majority of the town Council present may sit with closed doors, whenever they may deem the public interest requires it; and any three of the said town Council shall form a quorum for the transaction of business.

[Passed the House of Representatives, December 31, 1852. Passed the Senate, January 5, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 493.—[No. 14.]

AN ACT to incorporate the Town of Marianna.

Marianna, in-
corporation of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all free white male inhabitants of the age of twenty-one years and over, comprehended within the following limits, that is to say, within one mile of the Court House of Jackson County in every direction, excepting where the River Chipola approaches it nearer than that distance, in which case the said River shall be the limit, shall be and they are hereby constituted a body Corporate by the name of the Town of Marianna, and by that name may sue and be sued, plead and be impleaded, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said Town, and may do all other acts as natural persons.

Government.

SEC. 2. *Be it further enacted*, That the Government of said Town shall be vested in a Mayor and six Aldermen to be called the "Marianna Council," who shall be qualified voters of the said Town, and shall hold their respective offices for twelve months from their election and until their successors are elected and qualified.

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SEC. 3. *Be it further enacted*, That all free white male citizens of the United States who shall have resided in the limits of said Town three months next before any election, shall be entitled to vote, and all voting shall be by ballot. Voters.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Judge of Probate for the County of Jackson, immediately after the passage of this act, to appoint some early day for an election for Mayor and Aldermen for said Town, and to appoint three Inspectors and give, by advertisement, ten days' notice of the same, and upon his failure to do so any inhabitant of said Town may perform said duties. Mayor and Aldermen.

SEC. 5. *Be it further enacted*, That the said Council shall have power to elect a Marshal for said Town, and a Clerk who shall also be Treasurer, who shall receive such compensation as the Council shall allow, and shall be required to give bond with security for the faithful performance of duty in such sum as the Council may prescribe. Marshal.

SEC. 6. *Be it further enacted*, That the said Council shall have power to pass all ordinances necessary for the proper Government of said Town, and all by-laws requisite for the Government of said Council, to prevent and remove nuisances, to prevent gaming, to regulate markets, to establish and regulate patrols, to punish vagabonds, drunk- en or disorderly persons, to keep in order the streets and public roads within the limits of the Town, to erect build- ings and make improvements in said Town, to impose tax- es upon any persons or things taxable under the laws of the State and to provide for the collection thereof, to im- pose and appropriate fines and penalties for breaches of the ordinances of the Town, and to provide for the general in- ternal police and good government of the Town. Council, pow- ers of.

SEC. 7. *Be it further enacted*, That all ordinances shall be signed by the Mayor and Clerk, and shall be advertised for ten days on the door of the Court House. Ordinances.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Mayor to see that the ordinances of the town are faithfully executed, and to call meetings of the Council whenever he may deem it proper; that whenever any viola- tion of an ordinance shall come to his knowledge, he shall give a written order to the Marshal to arrest and bring be- fore him the person or persons charged with the offence, and he shall hear and determine the case according to the law and the evidence; he shall have power to compel the attendance of witnesses for and against the accused, by sub- poena, and shall have power to impose fines, not exceeding

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one hundred dollars, and to imprison for a term not exceeding one month for any one offence.

Mayor and Aldermen, election of

SEC. 9. *Be it further enacted*, That ten days previous to the expiration of the term of office of the Mayor and Aldermen, the Mayor shall cause a notice to be posted on the door of the Court House that an election will be held in the Court House, on a day to be named in said notice, for Mayor and Aldermen for the ensuing year, and shall appoint three fit persons to act as inspectors.

Tax, non-payment of

SEC. 10. *Be it further enacted*, That upon the non-payment of any tax or fine, any property sufficient to pay the same, belonging to the defaulter, may be seized and sold by the Marshal, upon his giving thirty days notice, by advertisement on the door of the Court House; such sale to be on the first Monday of any month.

Vacancies.

SEC. 11. *Be it further enacted*, That vacancies in the Council shall be filled by a new election, to be ordered by the Council, after ten days notice, and in the absence of the Mayor, the Aldermen may elect any of their number to fill his place.

Repeal

SEC. 12. *Be it further enacted*, That the organization or incorporation of said town, under the General Act of incorporation passed by the General Assembly in 1846, be and the same is abolished, and that the said act is hereby declared not to apply or be in force as to the Town of Marianna.

[Passed the Senate, January 5, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor January 8, 1853.]

CHAPTER 494.—[No. 15.]

AN ACT amendatory of an Act to amend the Act Incorporating the City of Pensacola, approved December 17, 1850.

Repeal

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the 2d section of the Act, of which this is amendatory, be and is hereby repealed.

Plank roads & subscriptions to.

SEC. 2. *Be it further enacted*, That the Mayor and Board of Aldermen of the city of Pensacola, with the consent of a majority of the corporation composing said city, be and are hereby authorized to subscribe in the name of the city of Pensacola any amount of money which they may deem necessary to any Plankroad or Railroad leading from the city of Pensacola; and for the purpose of procuring the

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amount of subscription, the said city of Pensacola shall have power to borrow the same, and shall have power to impose a tax on real estate in said city, at a rate not exceeding two per centum on the assessed value of such property.

SEC. 3. *Be it further enacted*, That the payment of taxes so imposed may be enforced in the same manner as in other cases. Taxes, pay-
ment of.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 3, 1853.]

CHAPTER 495.—[No. 16.]

AN ACT to amend the Act incorporating the City of Pensacola, approved March 2, 1839.

WHEREAS, By an act, approved December 17, 1850, the city of Pensacola is empowered to borrow any sum of money not exceeding sixty thousand dollars, for the purpose of constructing a Plank Road, or Railroad, and to impose a tax on real estate, in said city, at a rate not exceeding two per cent. on [the] assessed value of such property: Therefore, Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That in order the better to secure and enforce the payment of the tax in the above preamble mentioned, the General Assembly of this State shall have full power and authority to pass all laws that may be necessary or proper therefor. Payment of tax.

SEC. 2. *Be it further enacted*, That nothing in this act shall be considered as taking away any right now vested by law, in the city of Pensacola for levying and collecting the aforesaid tax.

[Passed the House of Representatives, December 14, 1852. Passed the Senate, January 3, 1853. Approved by the Governor, January 10, 1853.]

CHAPTER 496.—[No. 17.]

AN ACT to amend "An Act to secure the Swamp and Overflowed Lands lately granted to the State, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the 3d section of the Act to which

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Repeal

Internal Im-
provement
Board created.

this is an amendment, approved January 24th, 1851, be and is hereby repealed, and that the following be substituted in lieu thereof, viz: That there shall be, and hereby is, created and constituted a Board of Internal Improvement for the State of Florida, to consist of the State Engineer as President, and eight Commissioners, to be elected by the General Assembly, to wit: two of said Commissioners shall be appointed from each Judicial District, to hold their offices for four years, and until their successors are appointed, and in case of vacancy from any cause, the Governor is empowered to fill such vacancy until the next meeting of the General Assembly; the Engineer with the two Commissioners of each District, shall be a competent Board to determine upon and recommend plans for the reclamation of swamp lands, and to appraise the value of said lands, either before or after reclamation of said lands, as may be deemed by them most advisable, in the respective Districts in which said lands may be situated, and they shall also be competent to determine and recommend any plans for local works of internal improvements, to be laid before the General Assembly for its action; the State Engineer is hereby authorized and empowered, whenever he may deem that the interest of the State requires it, to convene a general meeting of the Board of Internal Improvement by giving at least thirty days notice by letter to each Commissioner, informing him of the time of said meeting, and for such and any service, the Commissioners shall receive from the Swamp Land Fund or any moneys which may be in the hands of the Treasurer belonging to said Fund, while engaged in such service, the same per diem and mileage as are paid to members of the General Assembly.

Contract to re-
claim Swamp
Lands.

SEC. 2. *Be it further enacted*, That if, in the opinion of the Governor and Board of Internal Improvement, there is any work connected with the reclamation of swamp lands, which it is deemed advisable to be done during the interval of the sessions of the General Assembly, the Governor, with the consent of the Board of Internal Improvement, may authorize the State Engineer to contract with persons or companies to reclaim swamp lands for a portion of said lands, not exceeding one-half of said lands so reclaimed; the State Engineer shall make a biennial report of his proceedings to the Governor, to be laid before

the General Assembly, and he may report at such other times as he may deem the public interest to require it.

[Passed the House of Representatives, December 30, 1852. Passed the Senate, January 5, 1853. Approved by the Governor, January 10, 1853.]

CHAPTER 497.—[No. 18.]

AN ACT for establishing the Office of State Engineer and Geologist.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the General Assembly shall elect, by joint vote, a State Engineer and Geologist, to hold his office for two years; and in case of vacancy, from any cause, or [the] General Assembly fails or refuses to elect, the Governor is empowered to fill such vacancy, subject to the action of the next General Assembly.

State Engineer
and Geologist,
election of

SEC. 2. *Be it further enacted,* That it shall be the duty of the State Engineer to examine and survey the Swamp Lands of the State, for the purpose of their reclamation, and make the necessary maps, plats and estimates for said work, to be laid before the General Assembly for their action; it shall be the duty of said Engineer to examine and report upon all works of Internal Improvement, and such other works as shall be assigned to him by the Governor, and he shall also make a general report to the Governor at least biennially [of] his proceedings, to be laid before the General Assembly, and at such other times as the public interest may require it.

Duty of.

SEC. 3. *Be it further enacted,* That the State Engineer shall receive, from any money in the Treasury, the proceeds of the sale of the Swamp Lands, an annual salary not exceeding two thousand dollars, and all necessary expenses for Assistants, travel, and subsistence when actually surveying, which accounts shall be audited by the Comptroller and paid by the Treasurer.

Salary.

SEC. 4. *Be it further enacted,* That for the payment of the salary and other expenses connected with the discharge of the duty of said Engineer, payment therefor may be made out of the Internal Improvement Fund: *Provided,* That there shall not be any funds in the Treasury realized from the sale of the Swamp Lands; and whenever there may be realized from such Swamp Lands a sufficient

Payment of.

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amount to refund such payments, the same amount shall be restored to the Internal Improvement Fund.

[Passed the House of Representatives, December 29, 1852. Passed the Senate, January 5, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 498.—[No. 19.]

AN ACT to amend the Law granting pre-emption rights to settlers on State Lands.

Pre-emption
rights.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That persons who are owners of more than 160 acres of land, shall be entitled to all the rights of pre-emption upon the lands owned by the State of Florida, under the same provisions of those now entitled to pre-emption.

Repeal.

SEC. 2. *Be it further enacted,* That all laws, or parts of laws, conflicting with this act, be and the same are hereby repealed.

[Passed the Senate, December 22, 1852. Passed the House of Representatives, December 31, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 499.—[No. 20.]

AN ACT to amend An Act entitled An Act to grant pre-emption rights to settlers on State Lands, approved December 27, 1848.

Reclamation of
Swamp Lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That those who reclaim and bring into cultivation, lands granted to the State by an act of Congress entitled an act to enable the State of Arkansas and others to reclaim the swamp lands within their limits, shall be entitled to the full privileges of the act to which this is an amendment, without any restrictions as to their owning one hundred and sixty acres, or having had the benefit of a former pre-emption right.

[Passed the Senate, December 17, 1852. Passed the House of Representatives, December 28, 1852. Approved by the Governor, December 31, 1852.]

CHAPTER 500.—[No. 21.]

AN ACT to repeal an Act entitled an Act to require purchasers of State Lands to make payment therefor to the Treasurer of the State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an Act entitled an Act to require purchasers of State Lands to make payment therefor to the Treasurer of this State, approved January 6, 1851, be and the same is hereby repealed, and that all laws existing at the passage of said act touching the duties of the Register of Public Lands, not repealed by any subsequent act, be and the same are hereby revived.

Repeal.

SEC. 2. *Be it further enacted*, That the Register of Public Lands shall, on the first Monday in every month, transfer to the Treasurer of this State all moneys which he shall have received for Lands sold by him, or on bonds or notes taken therefor, specifying the particular Fund to which the same belong, and the Treasurer shall receive and give duplicate receipts for the same, one of which to be filed in the office of the Comptroller, the other in the office of the Register, and keep in his books a separate account of the moneys received and disbursed by him on account of the School Fund, a separate account of the moneys received and disbursed by him on account of the Seminary Fund, and a separate account of the moneys received and disbursed by him on account of the Internal Improvement Fund.

Register and
Treasurer, du-
ties of.

[Passed the Senate, December 21, 1852. Passed the House of Representatives, December 29, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 501.—[No. 22.]

AN ACT for the relief of purchasers of State Lands in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever it shall appear to the satisfaction of the Register of Public Lands that any person residing in the Counties of Orange, St. Lucie, Dade, Monroe, Hillsborough, Levy, Hernando and Sumpter, has been prevented by Indian Hostilities from paying for any notes or bonds given by such person for any State Lands, it shall be the duty of said Register to extend the time of payment

Purchasers of
State Lands,
relief of.

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for the period of twelve months, or until the Indian Hostilities shall have ceased.

[Passed the House of Representatives, January 7, 1853. Passed the Senate, January 8, 1853. Approved by the Governor, January 10, 1853.]

CHAPTER 502.—[No. 23.]

AN ACT to require the Register of State Lands to furnish Clerks of the Circuit Courts with a list of all Lands subject to private entry in the several Counties of this State where any of said Lands lie, and for other purposes.

State Lands,
lists of to be
made out.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the Register of the State Lands, as soon as may be practicable after the passage of this Act, to cause to be made out and forwarded to the Clerks of the Circuit Court of the several Counties of this State, where any of the State Lands lie, a list of all the lands held by the State now subject to private entry in their Counties, and all lands which may hereafter become subject to private entry, commencing with the farthest Counties from his office, noting particularly the appraised value of each tract of land, the lands which have been sold in said County, and to whom sold, and after forwarding said lists, to keep the several Clerks advised of all the lands disposed of in their Counties; and it shall be the duty of said Clerks, so soon as they receive such notice from the Register, to note the same on their lists, which lists shall always be subject to examination of any person wishing to examine the same, and the said Clerks shall receive ten cents from each person making such examination.

Pay.

SEC. 2. *Be it further enacted,* That the Comptroller of this State shall draw a warrant in favor of said Register for the sum of two hundred dollars annually, in full compensation of the additional service required by this Act.

[Passed the House of Representatives, December 22, 1852. Passed the Senate, December 28, 1852. Approved by the Governor, January 7, 1853.]

CHAPTER 503.—[No 24.]

AN ACT to require the Register of Public Lands to procure and keep a Seal of office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General As-*

sembly convened, That it shall be the duty of the Register of Public Lands for this State, to procure and keep a Seal of office, with this inscription upon it, to-wit: "Florida State Land Office," and the impression of said Seal upon any deed purporting to have been made by the Register, or his Deputy, shall entitle the same to record in the office appointed by law for the record of deeds in each and every County of this State.

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Land Office
Seal.

SEC. 2. *Be it further enacted*, That all Laws, and parts of Laws in conflict with the provisions of the first section of this act, be and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, December 27, 1852. Approved by the Governor, December 31, 1852.]

CHAPTER 504.—[No. 25.]

AN ACT to authorize William H. Chase and Jasper Strong to cut a Canal connecting the Waters of the Perdido River and the Grand Lagoon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That William H. Chase and Jasper Strong be and they are hereby authorized to cut a Canal to connect the waters of the Perdido River and the Grand Lagoon.

Canal authorized.

SEC. 2. *Be it further enacted*, That said Chase and Strong shall have the right to cut said Canal through any lands lying in the route thereof, and if they cannot agree with the owners of such lands as to the price thereof, it shall be the duty of the Circuit Court of Escambia County, upon the application of said Chase and Strong, to issue a writ of *ad quod damnum*, directed to the Sheriff, commanding him to summon a jury of five disinterested freeholders of the County, to assess the damages to ensue from cutting of said Canal, and the said jury shall make a return of said assessment, upon oath, to said Clerk; upon the return of said assessment, it shall be the duty of the Judge of the Circuit Court of said County, at the next term after said return, to enter judgment corresponding to said return, which judgment shall vest in said Chase and Strong all the rights and privileges necessary for the construction and maintainance of said Canal: *Provided*, No part of this act shall authorize the taking and using any property by said Chase and Strong unless the same be previously paid for, or adequate security given for the payment thereof.

Lands in route of.

Damages, &c.

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When Canal to
be completed.

SEC. 3. *Be it further enacted*, That if the said Chase and Strong shall fail to complete the said Canal within two years from the passage of this act, the rights and privileges hereby granted are to be void.

Toll.

SEC. 4. *Be it further enacted*, That the said Chase and Strong may charge and receive such rates of toll on said Canal as they may deem proper, not exceeding in any one year twenty per cent. on the cost of said Canal.

SEC. 5. *Be it further enacted*, That at the expiration of twenty years, the State of Florida or County of Escambia shall have the right to purchase the property in said Canal at its cost.

[Passed the Senate, December 20, 1852. Passed the House of Representatives, December 28, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 505.—[No. 26.]

AN ACT to prevent obstruction to the navigation of the River and Harbor of St. Marks and Tampa.

Preamble.

WHEREAS, It is represented by the Pilots of the River and Bay of St. Marks, that the navigation thereof is likely to receive serious injury, and obstruction from the ballast and other materials carelessly thrown over-board from vessels, while lying in said River and Harbor: To prevent this evil, therefore,

Obstructions
prohibited.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, it shall be unlawful for any person or persons to throw ballast or other article or articles, in the channel, or at such point or place, where from the action of the tides, or currents, such ballast or other article or articles may be washed or carried into the channel of said River and Harbor; and that in all cases, where it may be necessary to discharge ballast or other articles from any vessel, or craft while in said River or Harbor, the same shall be deposited on the bank or shore of said River or Harbor, or at some point or place from whence such ballast or article cannot obstruct, impede or impair the navigation of said River or Harbor.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act, on conviction thereof shall be fined in a sum not exceeding ten hundred

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dollars, one half to be given to the informer, and the other half to be paid into the Treasury of the State of Florida.

SEC. 3. *Be it further enacted*, That the provisions of this act, so far as they are applicable, shall embrace the Port and Harbor of Tampa.

[Passed the Senate, January 11, 1853. Passed the House of Representatives, January 11, 1853. Approved by the Governor, January 13, 1853.]

CHAPTER 506.—[No. 27.]

AN ACT for preventing Obstructions to the Navigation of the St. John's River, East Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, it shall be unlawful for any captain or other person or persons having charge of any vessel or vessels entering the St. John's River, to discharge any stone, gravel, sand, or other ballast into the said River, so that the navigation of said River be obstructed thereby.

Obstructions prohibited.

SEC. 2. *Be it further enacted*, That before any captain or other person having charge of any vessel entering the St. John's River, can discharge any ballast, he or they shall obtain the permission of the Board of Port Wardens of the port of Jacksonville, which Board, upon such application, shall designate [at] what place the ballast may be discharged.

Ballast, discharge of

SEC. 3. *Be it further enacted*, That should any captain or other person or persons having charge of any vessel or craft navigating said River, discharge or allow to be discharged from the vessel or vessels which he or they may have in charge, any ballast into the said River, contrary to the provisions of this Act, he or they so offending shall be fined a sum not exceeding one hundred dollars, to be imposed and collected by the Port Wardens of the port of Jacksonville, and all sums so collected shall constitute a fund to be applied, under the direction of the Board of Port Wardens, for removing obstructions to the navigation of said River: *Provided, however*, That the provisions of this Act shall not prevent any captain or other person or persons having charge of any vessel or vessels from discharging his or their ballast upon any wharf, or into any lighter, for the purpose of being deposited upon the shore, without obtaining the permission of said Board of Port Wardens.

Penalty.

Proviso.

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Fines.

SEC. 4. *Be it further enacted*, That all fines imposed by this Act, are hereby made recoverable before the Master Wardens of said Board, or before any Justice of the Peace in this State.

[Passed the House of Representatives, December 9, 1852. Passed the Senate, December 13, 1852. Approved by the Governor, December 17, 1852.]

CHAPTER 507.—[No. 28.]

AN ACT to amend an Act entitled an Act in relation to Rafted Lumber adrift, and for other purposes.

Preamble.

WHEREAS, Many of the Rivers and Water Courses in this State are now being extensively used for the purpose of floating down Timber, Lumber, and Logs, and during their progress down stream, evil-disposed persons have taken possession of, arrested, and claimed a salvage or remuneration for so doing, under the provisions of an Act in relation to Rafted Lumber adrift, approved February 10, 1834: Therefore,

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the first section of said act shall be so amended and hereafter construed that no person or persons other than the owner or owners, or their appointed agents, shall hereafter arrest, stay, or take possession of any such sawed Lumber in rafts, hewn Timber, round Saw Mill Logs, or Spars, before the same shall have reached the mouths or outlets of such Rivers, and have passed out into the open Sea or Bays where they empty their waters, under the penalties imposed by the third section of the act aforesaid.

Lumber, &c.

Ownership,
how designa-
ted.

SEC. 2. *Be it further enacted*, That all persons floating Lumber or Timber down the current of Rivers, Streams, or Water Courses in this State, may hereafter adopt a particular mark, brand, or stamp, to be used and applied on all such Lumber or Timber, to distinguish and designate their ownership thereof, and such person or persons so adopting any certain mark, brand, or stamp, shall make record of the same with the Clerk of the Circuit Court within the District, describing it particularly, and its usual mode of application, and any person or persons who thereafter shall fraudulently use said mark, brand or stamp, or who may alter, deface, or destroy the same, shall, upon proof

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thereof, be deemed to be guilty of larceny, and punished accordingly.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, it shall be lawful for owners of Lumber or Timber floating down Rivers or Water Courses, to make use of floating booms on such Streams, for the purpose of securing such Lumber or Timber from loss : *Provided, always*, That the said booms shall not be used in such manner as to cause any [unnecessary] delay to Boats and Vessels engaged in the navigation of such Rivers or Streams, nor be permitted to remain stretched out upon or across such Rivers or Streams any longer than is absolutely necessary to secure their Timber or Lumber from loss ; and any person or persons who shall maliciously turn loose or cut away such boom or booms, to the injury and loss of the owner or owners of Timber or Lumber contained or held by such boom or booms, shall be deemed guilty of a misdemeanor, and, on proof thereof, shall be punished by a fine, at the discretion of the Court, and shall also be answerable in a suit for damages to the owner or owners thereof.

Booms.

Proviso.

SEC. 4. *Be it further enacted*, That the provisions contained in this act shall apply to all Bays, Inlets and Creeks within the State.

Application of act.

SEC. 5. *Be it further enacted*, That all parts or portions of any act or acts conflicting with the true intent and meaning of this act, be and the same are hereby repealed.

Repeal.

[Passed the Senate December 16, 1852. Passed the House of Representatives December 28, 1852. Approved by the Governor January 8, 1853.]

CHAPTER 508.—[No. 29.]

AN ACT to regulate Quarantine Laws in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Mayor and Aldermen of every City or Town in this State upon or adjacent to any Bay, River or Harbor where there is a Port of Entry, or in the absence of any incorporated City or Town, the Justices of the Peace of every Justice's District adjacent to such Ports of Entry and including the location of any unincorporated Town or Depot or place of Landing shall be and are hereby constituted a board of health in said incorporated City or Town or in such Justice's District.

Boards of Health.

SEC. 2. *Be it further enacted*, That the Mayor of such

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President of

incorporated City or Town, or during his absence or other disqualifications, such person as the Board of Aldermen may elect, shall be President of such Board of Health in such incorporated City or Town, and that such person shall be President of the Board of Health in any such Justice's Districts as may be elected by such Justices of the Peace for such Districts respectively.

Physician.

SEC. 3. *Be it further enacted*, That said Board of Health be and are hereby empowered, and required to appoint a Port Inspector who shall be a regularly licensed Physician, whose duty it shall be to board all vessels coming into the Ports of which he may be appointed such Inspector, and report to the Board of Health, if any contagious, malignant, pestilential, or infectious diseases have occurred on board, or if any such diseases are prevailing on board said vessel, to order the same into quarantine at such place or places as may be designated by the Board of Health.

Port Inspector,
fees of.

SEC. 4. *Be it further enacted*, That said Board of Health be and are hereby fully empowered to fix the rate of compensation or fees to be paid to said Port Inspector, for all services performed by him as such, which shall be paid by the master or owner of any vessel so visited by him as aforesaid, and on failure of any master or owner of any vessel to pay the fees as fixed by said Board of Health, the said Port Inspector may proceed to collect the same by action of debt before any Justice of the Peace of the County in which such port may be situated.

Quarantine order.

SEC. 5. *Be it further enacted*, That any master or owner or purser of any vessel who shall refuse to obey the order of any Port Physician, directing such vessel to remain in quarantine under the by-laws, rules and regulations of such Board of Health, shall be liable to indictment, and on conviction, shall be fined in a sum not exceeding one thousand dollars, or imprisoned not exceeding six months, at the discretion of the jury.

Key West.

SEC. 6. *Be it further enacted*, That the jurisdiction of the Board of Health for the City of Key West shall extend to and include the whole Island upon which said City is situated.

Repeal.

SEC. 7. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

[Passed the Senate, December 23, 1852. Passed the House of Representatives, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 509.—[No. 30.]

AN ACT to provide for the location of the two Seminaries of Learning to be established in this State.

WHEREAS, By an act approved January 24th, 1851, the establishment of two Seminaries of Learning was authorised: And whereas, the citizens of the town of Ocala, in Marion county, have, by their special agent, Mr. S. S. Burton, offered to give to the Seminary to be located East of the Suwannee river sixteen town lots in a square, valued at two hundred dollars each, also a building standing thereon, built in the form of an L, with two fronts of fifty feet each, and twenty feet wide, together with two other buildings erected on the said lots, twenty by thirty feet each, the three valued at three thousand eight hundred dollars, also one thousand and six hundred dollars in money, and the whole amount of the donation being eight thousand six hundred dollars; And whereas, the town of Ocala offers central position, accessibility, and a large, respectable, and thriving school in being, with various other considerations. Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Seminary to be located East of the Suwannee river shall be located at Ocala, on condition that proper and authorized conveyance or conveyances of said town lots and buildings be made, and the said amount of money be paid to such Board of Education as the Governor may appoint for said Seminary, under the Act of January 24, 1851.

Seminary East
where located.

SEC. 2. *Be it further enacted,* That the property conveyed as required in the 1st section of this Act, shall be used only for the Seminary located at Ocala, and shall revert to the donors whenever the Seminary shall be removed from Ocala.

Property of.

SEC. 3. *Be it further enacted,* That the Governor be and he is hereby authorized and required to appoint a Board of Education as specified in the Act of January 24, 1851, and submit their names to the Senate, for their concurrence, immediately after the passage and approval of the same.

Board of Edu-
cation.

SEC. 4. *Be it further enacted,* That the Governor shall appoint six Commissioners residing in Middle and West Florida, whose duty it shall be to select a suitable place for the location of the Seminary West of the Suwannee

Seminary
West.

1852.

River, and should the said Commissioners not agree as to the place for such location, they are hereby authorized to choose a person who shall decide as to the matter of their disagreement: *Provided*, That at least three of the Commissioners herein required to be appointed, shall reside in West Florida.

[Passed the Senate, January 5, 1853. Passed the House of Representatives, January 5, 1853. Approved by the Governor, January 6, 1853.]

CHAPTER 510.—[No. 31.]

AN ACT to establish Common Schools, and to repeal certain Acts in relation thereto.

School Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the several Judges of Probates and County Commissioners of this State shall be, and are hereby, constituted *ex officio* School Commissioners for their respective Counties, and each Judge of Probate shall be President of the Board and Superintendent of Schools for his County.

Children, census of.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Tax Assessor of each County, at the time of assessing the taxes of his County, to take the census of all the children of the County between the ages of five and eighteen years, and if any of them be deaf mutes that he so state, and report the same on oath to the County Superintendent on or before the first day of June next, and each and every year thereafter; for which said service, he shall receive five cents for each child reported to the County Superintendent; and upon failure of the Tax Assessor to perform the duties herein and above required, he shall forfeit the sum of fifty dollars, to be deducted from the sum which the County Commissioners may allow him for assessing and collecting the taxes of his County; and it shall be the duty of the County Superintendent on the first day of June next, and on the first day of said month in every year thereafter, to forward a duplicate copy of the report of the census made by the Tax Assessor to the Register of the Public Lands of this State, who is hereby declared *ex officio* Superintendent of Schools for the State; and on or before the first day of June, 1854, and on the first day of said month in every year thereafter, the County Superintendent of Schools in his report shall specify not only the number of children residing in his County between the ages aforesaid,

State Superintendent, who.

1852.

but also the number of those children who have attended school during the year ending on the day of the date of the report, the name of each teacher employed by the Superintendent, the length of time each teacher has taught, the amount of compensation paid or contracted to be paid to each, the number of children each teacher has taught, giving the name of each child that has attended school, and the length of time each child has attended, also the sum apportioned by the State Superintendent for schools in his County during the preceding year, the sum appropriated by the County Commissioners for schools in his County during said year, and the amount received from all other sources, specifying the source and the manner in which the same has been expended.

SEC. 3. *Be it further enacted*, That it shall be the duty of the State Superintendent on the first day of July next, and on the first day of said month in every year thereafter, to ascertain from the Comptroller and Treasurer of the State the amount of School money subject to distribution on that day, and thereupon to apportion the same among the several Counties of the State in proportion to the number of children reported to him in pursuance of the second section of this Act, and forthwith to certify the same to the Comptroller of the State, and inform each County Superintendent of such apportionment.

State Superin-
tendent.

SEC. 4. *Be it further enacted*, That it shall be the duty of the County Commissioners, at their first meeting after the receipt of the report of the State Superintendent, provided for in the foregoing section, or as soon thereafter as shall be convenient, to add to the sum apportioned to the County by the State, any sum which they may deem proper to be paid out of the County Treasury; and having ascertained the whole amount which will be applicable to school purposes in their County, both from the State and County Treasury, it shall be the duty of the County Commissioners, according to the best of their judgment and discretion for the promotion of the cause of Common School Education, to designate the place or places at which a school or schools shall be kept, and the length of time a school shall be kept at each; the amount of salary that shall be paid to the teacher or teachers; the number of places and teachers to be governed by the sum that has been appropriated for schools in the County.

Amounts ap-
plicable to
School purpo-
ses.

SEC. 5. *Be it further enacted*, That thereupon it shall be the duty of each County Superintendent to contract in

Teacher, con-
tract with.

 1852.

writing with each Teacher, whom he wishes to employ, after a thorough examination as to his or her fitness and qualifications, and to specify in said contract the place or places where he or she is to teach, the length of time during which he or she is to teach, and the amount of compensation to be paid.

Payment of

SEC. 6. *Be it further enacted*, That it shall be the duty of each Teacher, at the end of the time for which he or she may be employed, to make out, under oath, against the County Superintendent of his or her County, his or her account for the amount due him or her for services as aforesaid, specifying in said account the name of each child taught by him or her during their engagement, and the number of days each child has attended school during that time, and present the same to the County Superintendent, whose duty it shall be, if he finds said account to be correct, to cause a duplicate original thereof to be filed in the office of the Judge of Probate, and to certify, on the original account, authenticating his certificate with the seal of the Judge of Probate, that he finds said account to be correct, and order the same to be paid out of the State or County Treasury, as shall be most convenient, and said account shall be paid at the Treasury designated in said certificate, if presented at any time within one year after the date of said certificate, but not after; and the County Treasurer paying the same, or the State Comptroller auditing the same, shall carefully file and preserve said account in his office as his voucher.

County Super-
intendent, pay
of

SEC. 7. *Be it further enacted*, That the County Commissioners shall allow to the County Superintendent a remuneration sufficient to cover the expenses necessarily incurred in the discharge of the duties of his office, and such other remuneration as they may deem reasonable and proper, to be paid out of the County Treasury, like other County expenses; and said County Commissioners shall have power to appropriate from the County Treasury, from time to time, any sum or sums which they may think proper, to purchase, hire, build, or fit up any school house or school houses; they shall also have power, and it is hereby made their duty, to commission, under the seal of the Judge of Probate, three Trustees of each School, to be selected from among the Patrons of said School, and said Trustees shall have power to hear complaints from the Teachers, and expel any child from School, when it shall appear that he or she cannot be persuaded or coerced by

Trustees of
School.

1852.

gentle means to submit to the discipline and order of said School; and the County Superintendent shall have power, and it shall be his duty, to dismiss and discharge any Teacher, when it shall appear from the complaints of said Trustees, or other evidence, that such Teacher is incompetent, immoral, or otherwise unfit to teach.

SEC. 8. *Be it further enacted*, That the interest of money arising from the sale of the Sixteenth Sections, and all other money which has been or may hereafter be appropriated to the support of Common Schools, shall be distributed amongst the several Counties of this State in the manner hereinbefore provided, in the third section of this act.

Sixteenth Sections.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Register of Public Lands, as Superintendent of Schools for the State, by virtue of his office, to make a biennial report to the Governor, to be laid by him before the General Assembly, containing a statement of the condition of the Schools of the State, the situation and expenditure of the School moneys, plans for the management and improvement of the School Fund, and for ameliorating the condition of the Common Schools, an exhibit showing the number of children in each County between the ages of eight and eighteen years, and the number of those children who have attended School in each County, according to the report of the several County Superintendents throughout the State, and also [all] such other matters relating to his office as he shall deem expedient to communicate; he shall cause printed forms and instructions, on all matters relating to the School system, to be transmitted to the several County Superintendents, as he shall deem requisite; all reasonable expenses incurred by him in the execution of his duties, shall, upon due proof, be allowed to him by the Comptroller, and be paid out of the interest arising from the School Fund.

Register, report of

SEC. 10. *Be it further enacted*, That an act entitled an act to provide for the establishment of Common Schools in this State, approved January 10, 1849; also, the 4th and 5th sections of an act entitled an act providing new modes of investing the School Fund, and also prescribing the time at which the first distribution of the interest of the School Fund shall be made, approved December 31, 1850; and also, an act entitled an act explanatory of an act entitled an act to provide for the increase of the School Fund from the State Treasury, passed by the present General Assembly, approved January 24, 1851, and all other acts

Repeal.

1852.

and parts of acts in conflict with this act, be and the same are hereby repealed.

[Passed the House of Representatives, December 20, 1852. Passed the Senate, December 28, 1852. Approved by the Governor, January 1, 1853.]

CHAPTER 511.—[No. 32.]

AN ACT to amend the Act of 24th July, 1845, entitled An Act to raise a Revenue, &c, &c.

Tax sales of
land, descrip-
tion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That instead of the description required in the 24th section of said act to be given of lands and tenements for sale for taxes, it shall be sufficient to designate all lands that may hereafter be offered for sale on account of revenue, by the ranges, townships, and sections or parts of sections, according to the mode practiced in the land offices; and whenever it may be necessary to advertise tracts not divided, or described in the mode aforesaid, it shall be sufficient to describe such tracts by stating the range or ranges, and township or townships in which they lie.

[Passed the House of Representatives, December 30, 1852. Passed the Senate, January 1, 1853. Approved by the Governor, January 7, 1853.]

CHAPTER 512.—[No. 33.]

AN ACT to amend An Act relating to the duties of Tax Assessors and Collectors, approved January 9, 1849.

Property taxa-
ble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all taxable property, persons, business and subjects which shall be, arrive or commence in any County in this State at any time between the first day of January and the first day of April in any Calendar year, shall be Assessed, and shall pay the full yearly Tax for that current year.

Repeal.

SEC. 2. *Be it further enacted,* That so much of the act, approved January the 9th, 1849, as requires the Assessment of Taxes after the first day of April, be and the same is hereby repealed: *Provided,* That nothing herein contained shall be so construed as to exempt Peddlers, Showmen, Itinerent Traders, Daguerrean Artists, Auctioneers, or persons pursuing a particular calling coming into this

Proviso.

State after the first day of April, from paying the license tax imposed by existing laws.

1852.

[Passed the House of Representatives, December 3, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 513.—[No. 34.]

AN ACT to amend the several Acts concerning Licenses to retail Spirituous Liquors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter Retailers of Spirituous Liquors shall pay annually the sum of two hundred dollars for the privilege of retailing Spirituous Liquors, upon the issue of License as now provided by law.

Retailer's License.

SEC. 2. *Be it further enacted,* That if any person or persons, by himself or herself, their servant or agents, shall retail Spirituous Liquors without a License, they shall be liable to be fined five hundred dollars, upon indictment and conviction thereof.

Fine.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 514.—[No. 35.]

AN ACT amendatory of an Act entitled "An Act to provide for the payment of Coroner's Juries, and for other purposes," approved January 24, 1851.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, section third of the aforesaid Act be and the same is hereby repealed.

Repeal.

[Passed the Senate, January 12, 1853. Passed the House of Representatives, January 18, 1853. Approved by the Governor, January 14, 1853.]

CHAPTER 515.—[No. 36.]

AN ACT making appropriations for the expenses of the State Government for the fiscal years of 1853 and 1854.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General As-*

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Appropriation.

sembly convened, That the following sums be and are hereby appropriated for the Fiscal Year 1853, to wit:

To Robert J. Floyd, President of the Senate, \$205; S. J. Gonzalez, 198; Joseph Forsyth, 215; Angus Gillis, 195; J. J. Finley, 180; Wm. B. Wynn, 181; Wm. E. Kilcrease, 171 80; M. A. Long, 165; James W. Smith, 170 60; E. E. Blackburn, 171; Wm. P. Moseley, 178; A. G. Johnson, 181; Robert Brown, 172; D. Provence, 205; O. Budington, 191 50; George Stewart, 190; George E. Hawes, 245; H. V. Snell, 245; J. P. Baldwin, 315.

To A. K. Allison, Speaker of the House of Representatives, \$169 40; Samuel A. Leonard, 198; Wm. W. Harrison, 215; J. W. Bowers, 195; N. A. Long, 180; Wm. Hall, 183; Thomas M. White, 180; Dempsey Fennell, 195; S. Evans, 187 20; Luke Lott, 179 40; B. F. Simmons, 184; L. G. McElvy, 170; D. L. Kenan, 169 40; M. D. Papy, 165; R. B. Carpenter, 166 60; G. Chaires, 167 80; R. A. Shine, 165; John S. Mooring, 169; J. Caraway Smith, 171; John Finlayson, 173 40; J. F. Dewitt, 170; J. J. Polhill, 181; H. Raulerson, 166; W. H. Rousseau, 187; A. S. Baldwin, 183; E. Hopkins, 189; Philip Dell, 195; George Helvenston, 205; J. H. Haddock, 216; W. W. Tumblin, 218; H. E. Osteen, 256; J. T. Magbee, 234; C. T. Jenkins, 225; I. P. Hardee, 186 40; W. W. McCall, 315; A. Love, 170 80; L. M. Moseley, 174; Thomas Langford, 180; J. S. Heermans, 305.

To W. H. Mitchell, Secretary of the Senate, \$160; J. T. Kilgore, Assistant, 220; D. P. Holland, Clerk, 212; J. B. Galbraith, Clerk, 139; J. B. Cason, Door-keeper and Messenger, 192; M. Wall, Sergeant-at-Arms, 192; J. G. Smith, Clerk, 220; Rev. Mr. Zealy, Chaplain, 50.

To John Dick, Chief Clerk of the House, \$275; C. W. Downing, Assistant, 200; John R. Lloyd, Clerk, 220; Moses Atkins, Clerk, 264; D. Grey, Door-keeper and Messenger, 192; John A. Kelly, Sergeant-at-Arms, 192; Rev. E. G. Asay, Chaplain, 50.

For printing bills, slips, and Journals,	\$4,500 00
“ contingent expenses of General Assembly,	650 00
“ salaries of Public Officers,	20,500 00
“ contingent expenses of State Government,	5,000 00
“ Criminal Prosecutions, and contingent expenses of Circuit Courts,	10,000 00
“ Jurors and Witnesses,	9,500 00

For residence for Governor,	-	-	500 00	1852.
" rent of Armory,	-	-	250 00	
" interest on money borrowed,	-	-	2,070 00	
" expenses on land bought in,	-	-	400 00	
" expenses of Presidential election,	-	-	1,310 00	
" expenses of printing Laws,	-	-	600 00	Appropriation.
" contingent expenses of Supreme Court,	-	-	1,800 00	
" L. C. Demilly, for repairing the public arms,	-	-	250 00	

SEC. 2. *Be it further enacted*, That for the fiscal year to end the 31st December, 1854, the following sums be and are hereby appropriated, viz: For salaries of Public Officers, twenty-three thousand, nine hundred and sixteen dollars and sixty-six cents; for the contingent expenses of the State Government, five thousand eight hundred and thirty-three dollars and thirty-three cents; for Criminal Prosecutions, and the contingent expenses of the Circuit Courts, eleven thousand six hundred and sixty-six dollars and sixty-six cents; for pay of Jurors and Witnesses, ten thousand and eighty-three dollars and thirty-three cents; for contingent expenses of the Supreme Court, two thousand one hundred dollars; for rent of House for Governor, five hundred and eighty-three dollars and thirty-three cents; for rent of armory, two hundred and ninety-one dollars and sixty-six cents; for interest on money borrowed, two thousand four hundred and fifteen dollars; for expenses on land bought in for the State, four hundred dollars.

SEC. 3. *Be it further enacted*, That the sums appropriated for the contingent expenses of the State, shall be subject to the order of the Governor, and paid upon the presentation of the same to the Treasurer. Contingent expenses.

SEC. 4. *Be it further enacted*, That the State Treasurer shall open and keep permanently an account under the head of "Surplus Fund," to which shall be transferred, at the end of every fiscal year, all unexpended balances of appropriations made for said fiscal year, and shall, at each session of the General Assembly, exhibit the same in his report. Surplus fund

SEC. 5. *Be it further enacted*, That the fiscal year for 1854 shall end the 31st December of said year, and thereafter the fiscal years shall begin on the first day of January and end on the thirty-first day of December in each and every year. Fiscal Year.

[Passed the House of Representatives, January 14, 1853. Passed the Senate, January 14, 1853. Approved by the Governor January 14, 1853.]

1852.

CHAPTER 516.—[No. 37.]

AN ACT making appropriation for the Compilation and Publication of Thompson's collection of the British Statutes of force in this State.

British Statutes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the sum of twenty-eight hundred dollars be paid to Leslie A. Thompson, in full compensation for his labor in collecting and arranging said Statutes, and in the preparation of said work, including the copying the same for the printer, and the superintendence of publication, and correcting and revising the proof sheets.

Copy right.

SEC. 2. *Be it further enacted,* That the Governor shall offer copy-rights of said Digest of British Statutes to any competent person or persons who will give bond and security for the faithful performance, to have the said Digest printed and bound, and will give one hundred and fifty printed and bound copies of said Digest to the State for the use of the State; and the Governor, on receiving the said one hundred and fifty copies as aforesaid, shall cause one hundred and forty copies to be offered for sale by the Secretary of State, the remaining ten copies to remain in the office of the Secretary of State for the use of the State, and the proceeds from such sales shall be placed in the Treasury, as a part of the State's revenues.

[Passed the House of Representatives, December 20, 1852. Passed the Senate, January 3, 1853. Approved by the Governor, January 7, 1853.]

CHAPTER 517.—[No. 38.]

AN ACT to provide for the payment of Captain Sparkman's, Parker's, and other Volunteer Companies, for service in the year 1849.

Volunteers.
Pay of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the accounts of Captain Simeon L. Sparkman, John Parker, Robert D. Bradley, and Enoch E. Mizell, and officers and privates of their respective Companies, who organized and did service in suppressing Indian hostilities in the year 1849, be audited and allowed, both for services, supplies, transportation, and money paid out [and] expended in said service, by the Comptroller, so that there shall be paid to said Captains, their officers and privates, together with the officers and privates of

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other Volunteer Companies, for similar services in the year 1849, which have not been allowed any pay for said services, when satisfactorily proved, at the same rate which is established in the Army of the United States for similar services.

SEC. 2. *Be it further enacted*, That the Comptroller is hereby authorized, empowered and directed to issue State scrip, payable in two, three and five years, for the liquidation of said claims, and the Comptroller and Governor of this State shall sign said scrip.

State scrip.

SEC. 3. *Be it further enacted*, That so soon as an appropriation shall be made by the Federal Government for the payment of the officers and privates of said Companies, and shall be deposited in the Treasury of this State, the interest on said scrip shall cease, and the Comptroller of the Treasury is hereby authorized and required to issue his warrant upon the Treasurer in favor of the holder or holders of such scrip, upon his, her, or their application for the principal of such scrip, and the interest which may have accrued thereon up to the period when, under the provisions of this act, said interest shall cease to accrue.

When interest on to cease.

SEC. 4. *Be it further enacted*, That the Governor is hereby empowered and authorized to urge upon Congress, in any manner which to him may seem most expedient, the reimbursement of said claims to this State.

Reimbursement.

SEC. 5. *Be it further enacted*, That said officers and men shall not be allowed nor paid for any services after the Companies ordered out by Governor Moseley were mustered out of service, but shall be allowed pay from their organization up to the time that the aforesaid Companies were mustered out of service.

What service allowed.

[Passed the House of Representatives, December 20, 1852. Passed the Senate, December 31, 1852. Approved by the Governor, January 7, 1853.]

CHAPTER 518.—[No. 39.]

AN ACT to provide for carrying into effect a Resolution approved 8th January, 1853, in favor of B. Hopkins and others for their services in defending the frontier in the year 1852.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Governor of the State be, and he is hereby authorized and directed to borrow from the School Fund, the Seminary Fund, and the Internal Im-

Loan authorized.

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provement Fund, or from either of them, a sum of money sufficient for the purposes indicated in the Resolution of the 8th inst. above referred to, which said sum shall be placed in the State Treasury and be disbursed in accordance with the provisions of said Resolution.

[Passed the Senate, January 13, 1853. Passed the House of Representatives, January 13, 1853. Approved by the Governor, January 14, 1853.]

CHAPTER 519.—[No. 40.]

AN ACT to provide for the employment of a Clerk in the office of Comptroller of this State.

Clerk.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of this State be and he is hereby authorized to employ a permanent Clerk in his office: *Provided*, The salary to be paid to said Clerk shall not exceed the sum of five hundred dollars per annum, which salary shall be paid quarterly as other salaries are now paid.

[Passed the Senate, December 30, 1852. Passed the House of Representatives, January 1, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 520.—[No. 41.]

AN ACT concerning the records of the Court of Appeals and the Superior Courts of the Territory of Florida.

Court of Appeals, records of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the files, rolls and books of record of the Court of Appeals of the late Territory of Florida, so far as the same, by the concurrence of the Congress of the United States, and the General Assembly of this State, may relate to matters of appropriate State authority and jurisdiction, be, and are hereby, placed in the custody and under the control of the Supreme Court of this State, and shall be deemed, held and taken to the files, rolls and records of the said Supreme Court; and the said Court may lawfully have and exercise such judicial cognizance and power over them, as the said Court may lawfully have and exercise over its own files, rolls and records.

SEC. 2. *Be it further enacted*, That the files, rolls and books of record of the Superior Courts of the several dis-

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tricts of the late Territory remaining in the Clerk's offices of the respective counties, so far as the same, by the concurrence of the Congress of the United States, and the General Assembly of this State, may relate to matters of appropriate State authority and jurisdiction, be, and are hereby, placed in the custody and under the control of the Circuit Courts of this State in the respective counties thereof, where the said Superior Courts were held and the records kept, and shall be deemed, held and taken to be files, rolls and records of the said Circuit Courts; and the said Circuit Courts may lawfully have and exercise such judicial cognizance and power over them, as the said Courts may lawfully have and exercise over their own files, rolls and records.

Sup'r Courts,
records of.

SEC. 3. *Be it further enacted*, That all judicial power and action heretofore had over the files, rolls and records, of the Courts of law and equity, established under the late Territorial Government, by any of the Courts of this State, be, and are hereby declared and made as valid and effectual in law as if such judicial cognizance, power and action had been heretofore authorized and allowed by law.

Judicial acts.

SEC. 4. *Be it further enacted*, That the Sheriffs of the several counties of this State, may execute any writ of *feri facias*, or other final process issued by or under the authority of any of the Courts of the late Territory of Florida, whether the same be directed to the Marshals of the Territory of Florida or to the Sheriffs thereof, prior to the 3d day of March, 1845, or subsequent thereto, under the provisional Government established by the 17th article of the Constitution, and prior to the regular organization of the Government of this State, under the Constitution; and such execution by the said Sheriff, shall be deemed, held and taken justifiable under the said process, and as good and valid as if the same had issued from or under the authority of the proper Courts of this State, and directed to the Sheriffs of this State, as now required by law.

Final process,
execution of.

[Passed the Senate, December 16, 1852. Passed the House of Representatives, December 28, 1852. Approved by the Governor, January 5, 1853.]

1852.

CHAPTER 521.—[No 42.]

AN ACT in addition to and amendatory of the several Acts concerning Writs of Error and Appeals to the Supreme Court.

WHEREAS, It is expedient that certain orders and judgments of the Circuit Courts of this State, which now depend on the uncontrolled discretion of said Courts, should be reviewable in the Supreme Court: Therefore,

Courts of error. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, all orders and judgments of the Circuit Courts of this State, made and passed in any cause therein, wherein the said Courts shall allow and grant, or shall refuse to allow and grant any motion for new trial, or any motion to amend the pleadings, or to file new or additional pleadings, or to amend the record of any cause during the term of the Court in which it was determined, or shall refuse to allow and grant a motion for continuance of the cause, shall and may be assigned for matter and cause of error, upon any writ of error sued out, or appeal taken to the Supreme Court, and the said Supreme Court shall hear and determine the matter so assigned for error, in the same manner and under the like rules and regulations as in other cases.

Exceptions. SEC. 2. *Be it further enacted,* That in all the cases enumerated in the preceding section of this act, the party grieved by any such order or judgment, shall make his exception thereto in writing, and shall insert therein all such evidence, affidavits, amendment of pleadings, and all other matters which do not properly appear of record, which were considered by the Court below, or which were offered to the consideration of the Court below, and should have been considered in the making and passing said order and judgment, and the said exception shall be tendered to the Judge of the Circuit Court for his signature, in the same manner and under the same rules, regulations and provisions as bills of exception are now by law made up, signed, and made part of the record.

Preamble. SEC. 3. And whereas, the construction which has been given to the law regulating appeals in cases in Equity, whereby appeals are refused after the merits of the cause have been passed upon, because of some reference for account, or some other matter, is productive of unnecessary

delay and inconvenience, and sometimes of useless expense in taking the accounts, because of the reversal of the decree ascertaining the rights of the parties litigant :

Be it therefore enacted, That appeals may be taken and prosecuted from any interlocutory order, decision, judgment, or decree of the Circuit Courts of this State, when sitting as Courts of Equity : *Provided, always, however*, That such appeal shall not operate as a supersedeas, unless the Judge of the Circuit Court, or a Justice of the Supreme Court, on inspection of the record, shall think fit to order and direct a stay of proceedings : *And provided, further*, That no appeal so allowed shall operate as a supersedeas, except on the conditions now prescribed by law in cases of appeals from final judgments and decrees.

SEC. 4. *Be it further enacted*, That this act shall not be construed so as to deprive either party from deferring and postponing the entry of his, her or their appeal until after the entry of the final decree, or end of the cause, as now prescribed by law ; nor shall such postponement of the appeal be decreed, held, or taken as an acquiescence in the propriety of any interlocutory order or decree made in the progress of the cause, or any waiver of any error therein.

SEC. 5. *Be it further enacted*, That appeals may be taken and prosecuted to the Supreme Court upon all orders and decrees in Equity, coming within the purview of the third section of this act, heretofore pronounced and made in any cause now depending in the Circuit Courts.

SEC. 6. *Be it further enacted*, That Judges shall hear and decide cases pending in Equity whenever the same may be in a condition to be tried and determined, whether in vacation or Term time of the Courts ; and all decrees so rendered in vacation, shall have the same force and effect as if rendered in Term time.

SEC. 7. *Be it further enacted*, That the Judges of the Supreme Court of this State shall, in deciding cases, prepare and make a syllabus, or statement of the points and principles intended to be decided by the Court, which shall be published in the reports, in lieu of that usually prepared by the Reporter.

SEC. 8. *Be it further enacted*, That a decree in Equity may be signed by the Judge when pronounced, and recorded upon the minutes of the Court, without any other enrollment, and without remaining thirty days, as at present

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Appeals.

Supersedeas.

When taken.

Causes pending.

Equity causes.

Syllabus.

Decree, when signed.

1852.

provided by law: *Provided*, That the right to appeal from the same shall in no manner be affected by this section.

•[Passed the House of Representatives, December 8, 1852. Passed the Senate, December 18, 1852. Approved by the Governor, January 7, 1853.]

CHAPTER 522.—[No. 43.]

AN ACT to amend the laws now in force in this State, relating to Divorces.

Divorces, prohibition as to.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter no divorces from the bonds of matrimony shall be granted to any applicant unless it shall appear that such applicant has resided in the State of Florida for the space of two years prior to the term of such application, and that all laws or parts of laws inconsistent with this act be and the same are hereby repealed.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 523.—[No. 44.]

AN ACT to provide for legal proceedings against corporations and persons claiming exclusive privileges by public grants who have incurred forfeitures of the same by *non user*.

Corporations, proceedings against.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Solicitors of the State are hereby authorized and required to institute the requisite legal proceedings, in their respective Circuits, against all Corporations, and persons claiming under any act or acts of the Territory of Florida or of this State, exclusive rights to bridges, ferries, or other subject matters of public grant, who may have incurred forfeitures of their charters or privileges by *non user*: *Provided*, That no proceedings shall be instituted under this act unless the grand jury of the County in which the proceedings are to be instituted shall first have presented the same as desirable and recommend the same: *And provided*, That the expenses of such proceedings shall in all cases be paid by the County Treasury of the Counties in which the same are had and prosecuted.

Proviso.

Notice of

SEC. 2. *Be it further enacted*, That notice of the institution of such proceedings, published in some newspaper in the Circuit in which such Corporation may have been

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located or such privileges enjoyed, citing such Corporation, if there be a corporate name, or all persons interested in such privileges, if there be no corporate name, to appear at some regular term of the Court in which such proceedings may be instituted, and to answer such proceedings, and referring to the act or law under which such Corporation exists, or such privileges were granted, shall be deemed a sufficient legal notice to such Corporation or to such person or persons interested in such grants of exclusive privileges: *Provided*, Such publication be made once a week for two months before [the] first day of the term to which said Corporation or persons interested are cited to appear.

SEC. 3. *Be it further enacted*, That for the institution and successful prosecution of each of such proceedings, the Solicitor instituting and successfully prosecuting the same shall be entitled to a fee of twenty-five dollars.

Solicitor, fee of

SEC. 4. *Be it further enacted*, That notwithstanding the forfeiture of any charter or act granting exclusive privileges by the judgment of the Court under this act, the same shall be deemed to exist, and the Corporation or person, or persons claiming such exclusive privileges, be capable of suing and being sued, as to all rights, liabilities, duties, responsibilities, and obligations of any kind whatsoever, existing anterior to the rendition of such judgment, in the same manner as if this act had never been passed.

Rights, &c., reserved.

[Passed the House of Representatives, December 27, 1852. Passed the Senate, January 1, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 524.—[No. 45.]

AN ACT to provide for contesting the validity of Wills in the Circuit Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly Convened*, That in case any Will shall be offered for Probate, and the same shall be contested, it shall be the duty of the Judge of Probate to certify the fact and send up the original Will to the Circuit Court of the same County, and an issue shall be made up in the Circuit Court under the direction of said Court, and the validity of the Will tried therein upon the principles of law in such cases; and the verdict of the Jury and the Judgment of the Court upon the validity of said Will, shall be certified to the Court of Probate, and the original Will, if established, shall be sent back to the Court of Probate to be recor-

Wills, how contested.

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ded, and upon the proceedings so certified to the Court of Probate, said Court shall proceed to grant letters testamentary or of administration, and to do all other things necessary to be done to have the Will carried into effect, or the estate properly administered as heretofore.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 525.—[No. 46.]

AN ACT to amend the Laws now in force relating to Mortgages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly Convened*, That all deeds, obligations, conditioned or defeasible, bills of sale, or other instruments of writing, made for the purpose, or with the intention of securing the payment of money, whether such instruments of writing be from the debtor to the creditor, or from the debtor to some third person, or persons in trust for the creditor, shall be deemed, and held as Mortgages, and shall be subject to the same rules of foreclosure, to the same regulations, restrictions, restraints and forms, as now are, or hereafter may be prescribed by Law in relation to Mortgages; but in no case, shall the obsolete, and antiquated claim in favor of the Mortgagee to the right of possession of the property, specified in said Mortgage, or any part thereof, by reason of any alledged failure of payment, or Breach of Promise, or other default, be recognized or admitted in a Court of Justice in this State, either by Judge or Jury, until all other steps and forms prescribed by law for the foreclosure of Mortgages be complied with and observed.

Mortgages,
foreclosure of.

Mortgagor, in-
terest of.

SEC. 2. *Be it further enacted*, And declared, that a constructive possession, or possession in the eye of the Law, by the Mortgagee, shall not be allowed to impair, or bring in question, the actual, and for ages, the admitted right of possession of the Mortgagor, until deprived thereof by decree; that a Mortgage is, and shall be, held in our Courts a specific lien on property, thereon for a specific object, and in point of fact as well as law, the Mortgagee is incapable of acquiring possession until after decree of foreclosure, and then only by bidding, and out bidding all competitors in market.

Repeal.

SEC. 3. *Be it further enacted*, That all Acts, or parts

of Acts, conflicting with the true intent and meaning of this Act, be and the same are hereby repealed.

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[Passed the House of Representatives, January 3, 1853. Passed the Senate, January 6, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 526.—[No. 47.]

AN ACT prescribing the condition of Injunction Bonds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter all injunction bonds executed in this State shall be conditioned to pay the debt and interest enjoined, and such damages as may be occasioned by the wrongful issuing of said injunction, instead of the condition now required by law, to-wit: To pay the debt and interest, and ten per centum damages thereon.

Injunction
Bonds.

[Passed the Senate, December 17, 1852. Passed the House of Representatives, December 28, 1852. Approved by the Governor, December 31, 1852.]

CHAPTER 527.—[No. 48.]

AN ACT to provide for the payment pro rata of the debts of Insolvent Estates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter when any Executor or Administrator in this State, shall believe the estate committed to his charge to be indebted to an amount greater than the value thereof, it shall be the duty of such Executor or Administrator to file a written suggestion of such insolvency, in the office of the Judge of Probate of the County in which letters testamentary or of administration shall have been granted, and upon the filing of such written suggestion, the said Judge of Probate shall make an order requiring such Executor or Administrator to file with such Judge of Probate, a true and perfect schedule of the amount of said estate, consisting of the available funds, *choses* in action, and other effects, including the real estate, and on such schedule being filed, it shall be the duty of said Judge of Probate, to make distribution of said estate among the creditors pro rata, which distribution shall be conclusive, unless reversed upon appeal as in other cases.

Insolvency,
suggestion of.

Distribution.

SEC. 2. *Be it further enacted,* That upon the filing of the

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Notice. written suggestion, mentioned in the first section of this act, the said Judge of Probate shall give notice in some newspaper, published in this State, and by written notice at the Court-house door in the County, for all persons having claims against said estate to appear and file the same with said Judge of Probate, on or before a day to be specified in said notice, not less than six nor more than nine months, which claims, when filed, shall be authenticated in the manner prescribed by law: *Provided, however,* That if said claims are not so authenticated when filed, the same may be proven to the satisfaction of such Judge of Probate at any time before the final settlement of said estate.

Suits authorized. SEC. 3. *Be it further enacted,* That in all cases where the claims against said estate, are denied or contested by such Executor or Administrator, it may be lawful for such claimant to prosecute a suit at law or in equity for the establishment of the same, as if this act had not been passed: *Provided,* That upon the rendition of a judgment or decree for said claim, the same shall be filed with the said Judge of Probate for pro rata payment, as other claims are required to be filed; but unauthenticated or admitted claims against said estate shall not be otherwise sued or enforced than as provided for in this act.

Payments, order of. SEC. 4. *Be it further enacted,* That upon the final settlement of estates, under the provisions of this act, the expenses of the administration of said estates shall be first paid, and the funeral expenses of the deceased shall be next paid, and all other claims or demands allowed against such estates shall be paid *pro rata*: *Provided,* That if it shall appear that any Executor or Administrator has fraudulently filed such suggestion of insolvency, knowing that said estate is not insolvent, he shall pay the costs occasioned thereby; and in that event the estate shall be finally settled; and after payment of all the debts, the residue of the estate, if any remain, shall be distributed to those entitled by law.

Bill in Circuit Court. SEC. 5. *Be it further enacted,* That in all cases where the estate of an intestate or testator shall exceed the gross amount of five hundred dollars, it shall be lawful for the Executor or Administrator thereof to file his or her bill in the Chancery side of the Circuit Courts of this State, suggesting the probable insolvency of such estate, and the Judge of said Court may order publication to be made requiring claims to be filed in said Court on or before a time to be specified in said order; and the said bill shall contain

as near as may be, a true and perfect statement of said estate; and said Court may proceed to settle such estates, and pay the claims *pro rata*, as Courts of Probate are required by this act to do.

SEC. 6. *Be it further enacted*, That Judges of Probate shall receive the same fees and compensation for services performed under this act as are allowed by law for similar services. Fees.

SEC. 7. *Be it further enacted*, That each claimant or creditor of such insolvent estate shall have a right to contest the claim or demand against said estate of all other claimants or creditors, notwithstanding the same shall have been uncontested or admitted by said Executor or Administrator. Claims, contest of.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 7, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 528.—[No. 49.]

AN ACT to amend the Act in relation to Executors and Administrators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That where any person or persons, shall have heretofore recovered, or shall hereafter recover, any Judgment against Executors or Administrators in their Representative character, and upon execution issued upon such Judgment, it shall be returned that there are not found in the possession of the said Executors or Administrators, sufficient assets of the testator or Intestate to pay and satisfy the whole or any part, of such Judgments, such person or persons recovering such Judgment, his, her or their Executors or Administrators may, upon such return of the execution as aforesaid, immediately commence and prosecute his, her, or their action in the name of the Governor of the State, for the use of such person or persons, for the recovery of such Judgment or such part thereof as shall remain unpaid against such Executors and Administrators and their securities, or against either of them, or the Executors or Administrators of either of them, upon the bond given by them for the performance of the duties of such Executors or Administrators; in which said action the defendants may plead any plea or pleas, and in support thereof offer any evidence which would be legally ad- Err's and Administrators, judgments against. Bond, suit on.

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missible in any action against Executors or Administrators suggesting a *devastavit*.

[Passed the Senate, December 15, 1852. Passed the House of Representatives December 17, 1852. Approved by the Governor, December 23, 1852.]

CHAPTER 529.—[No. 50.]

AN ACT authorizing the institution of Suits in certain cases against Corporations by Publication.

Corporations,
suits against.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That when a summons *ad respondendum*, *scire facias*, or subpoena in Chancery shall be issued against any corporation in this State, and the same cannot be served upon any of the officers of said corporation, designated in the act entitled an act directing the mode of instituting suits against corporations, approved the 4th day of February, A. D. 1834, owing to the failure of said corporation to elect such officers, their absence from the State for the period of six months before the issuing of said writ, or because they are unknown, it shall be the duty of the Sheriff to return said writ, with the causes of his inability to serve the same, and upon the return of said writ as aforesaid, the Judge of the Court from which the same shall have issued shall make an order, at any time, setting forth the names of the parties, the nature of the action, suit, or other proceeding, the Court in which the same has been instituted, and requiring the said corporation to appear and defend the said action, suit, or other proceeding, at the ensuing term of said Court; and the publication of said order once a week for the space of two months, in some newspaper published in the Circuit in which said action, suit, or other proceeding shall be instituted, shall be taken and deemed to be a full and sufficient notification to the said corporation of the institution of said action, suit, or other proceeding: *Provided, however,* That no judgment by default, or decree *pro confesso*, shall be taken or rendered against said corporation until due proof shall have been made of the publication of said order as hereinbefore provided.

Service.

Publication.

Proviso.

[Passed the Senate, December 16, 1852. Passed the House of Representatives, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 530.—[No. 51.]

AN ACT to prevent certain persons from Peddling in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any Sheriff or Clerk of the Circuit Court in this State to issue a license to any person to peddle any goods, wares or merchandise who is not a bona fide citizen of the United States, and a permanent resident and citizen of this State for twelve months immediately preceding his application for such license.

License, to whom.

SEC. 2. *Be it further enacted,* That whenever the Sheriff or Clerk as aforesaid shall have any doubt as to the citizenship of such applicant or applicants, it shall be the duty of said Sheriff or Clerk to demand his or their naturalization papers, and also to swear him or them as to their citizenship in this State.

Naturalization papers

SEC. 3. *Be it further enacted,* That any Sheriff or Clerk issuing license in violation of this act, shall be subject to indictment, and on conviction shall be fined in a sum not exceeding one hundred dollars for each and every offence, at the discretion of the Court.

Penalty.

SEC. 4. *Be it further enacted,* That all laws and parts of laws conflicting with the true intent and meaning of this act, be and the same are hereby repealed.

Repeal.

[Passed the Senate, December 9, 1852. Passed the House of Representatives, December 21, 1852. Approved by the Governor, December 29, 1852.]

CHAPTER 531.—[No. 52.]

AN ACT to allow Owners or Commanders of Boats to peddle upon the Choctawhatchie River.

WHEREAS, The section of country bordering upon the Choctawhatchie River in this State is sparsely settled, and there being few stores for furnishing the necessary supplies to said Inhabitants, and inasmuch as there are Steam Boats, and Barges plying [upon] said River, which would furnish said Inhabitants with the various articles, which they stand in need of, were it not for the restrictions upon Peddlers and Itinerant Traders: Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of*

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Peddler's tax.

Exemption.

Representatives of the State of Florida in General Assembly convened, That from and after the passage of this Act, [the] owners and commanders of Steam Boats and Barges on the Choctawhatchie River, be exempted from the operation of the Laws of this State imposing taxes upon Peddlers and Itinerant Traders, and that said owners and commanders of Steam Boats or Barges may be allowed to sell to the Inhabitants of the Counties bordering upon the Choctawhatchie River such articles as they may stand in need of, without being subjected to the taxes imposed upon Peddlers and Itinerant Traders by the Laws of this State: *Provided*, That such Traders or Peddlers shall pay such taxes as are imposed upon Merchants in this State.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 532.—[No. 53.]

AN ACT for changing the names of persons residing in this State.

Name, change of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That any person who may hereafter desire his or her name changed, shall file his or her petition in the Clerk's office of the Circuit Court, and the Clerk shall thereupon give at least three months notice in some newspaper published at the Capitol of this State; and the Judge of said Court shall at the first term after said publication, if no good cause be shown to the contrary, pass an order making the change prayed for in said petition, and the Clerk shall enter said order on the minutes of said Court and shall receive such fees as the Court may allow: *Provided*, All costs and expenses of said proceeding shall be paid by the person applying.

[Passed the House of Representatives, December 30, 1852. Passed the Senate, January 8, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 533.—[No. 54.]

AN ACT to amend the Patrol Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the several

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Patrol districts

Justices of the Peace of this State, within their respective Justices' District, to lay off convenient Patrol Districts, and annually to make out a list of all persons subject to patrol duty, and to appoint a fit and proper person to act as Captain in each Patrol District, and to furnish each Captain with a list of all persons subject to patrol duty in his District; and the said Justices shall do and perform all such duties as are now required to be done by law of the Militia officer, in relation to patrols.

SEC. 2. *Be it further enacted*, That where there are no Justices of the Peace in any Justice's District, then and in that case, it shall be the duty of the nearest Justice of the Peace to such District, to organize a patrol for such District, in the same manner as is contemplated in the first section of this act, and the Captains of patrols appointed for such Districts shall perform their duties, and make returns according to law, to the Justice of the Peace of the District nearest them.

Justice Peace,
duty of.

SEC. 3. *Be it further enacted*, That for failure of any Justice of the Peace to perform his duty under this act, he shall be subject to indictment and fine, in a sum not exceeding the fines now imposed by law on Company officers for failure to perform patrol duty.

Failure.

SEC. 4. *Be it further enacted*, That all returns now required by law to be made to Militia officers, by Captains of Patrols, at their Company musters, shall hereafter be made to Justices of the Peace, at least twice a year, and all fines now imposed on patrols by law, shall be recoverable before Justices of the Peace, as other moneys are recoverable before them.

Returns.

SEC. 5. *Be it further enacted*, That each patrol called out under the provisions of this act, upon producing the certificate of his Captain, made under oath, stating the time he served as a patrol, shall receive, out of the County Treasury, such compensation as the County Commissioners of his County may allow.

Compensation.

SEC. 6. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Repeal.

SEC. 7. *Be it further enacted*, That the provisions of this act shall [not] apply to the Counties of Duval, Hamilton, Franklin and Nassau.

Exemption.

[Passed the House of Representatives, December 16, 1852. Passed the Senate, December 23, 1852. Approved by the Governor, December 29, 1852.]

1852.

CHAPTER 534.—[No. 55.]

AN ACT to authorize the Judge of the Southern Judicial Circuit of this State, to appoint and hold adjourned terms in certain cases.

Adjourned
terms.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter it shall and may be lawful for the Judge of the Circuit Court for the Southern Judicial Circuit of this State, to hold an adjourned term in the County of Monroe, whenever said Judge shall have been prevented from holding his Court in said County at the time prescribed by law, and it shall be the duty of said Judge in such case, to appoint a convenient day for the holding of such adjourned term in said County, whenever there shall have been a failure of the regular term.

[Passed the Senate, December 29, 1852. Passed the House of Representatives, January 8, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 535.—[No. 56.]

AN ACT to amend An Act entitled An Act to provide for the recording of the Marks and Brands of Cattle shipped from the State of Florida, approved 6th January, 1849.

Inspectors of
Marks and
Brands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the compensation to be received by Inspectors of Marks and Brands for performing the duties required by the act to which this is an amendment, shall be paid by the person or persons selling cattle to any person who wishes to ship the same.

Penalties, ex-
emption from.

SEC. 2. *Be it further enacted,* That no Captain, Master or owner of any vessel shall be liable to the penalties of said act for taking Cattle on board of his vessel without having obtained a certificate as prescribed in said act, if it shall be made to appear that such Captain, Master, or owner applied to the Inspector for such certificate and the same was refused.

[Passed the Senate, December 27, 1852. Passed the House of Representatives, December 31, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 536.—[No. 57.]

AN ACT declaratory of the Laws now existing over that portion of the Peninsula of Florida in the occupancy of the Seminole and other Indians.

WHEREAS, That portion of the Peninsula of Florida now in the occupancy of the Seminole and other Indians, is within the boundary of St. Lucie, Hillsborough, Monroe and Dade Counties; and whereas the Laws of this State have not been enforced in that portion of said Counties, occupied by said Indians: Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Laws of this State are hereby declared to be of full force and effect in that portion of the State, now in the occupancy of the Seminole and other Indians.

Laws in force.

SEC. 2. *Be it further enacted,* That the Judges of the Circuit Courts of the Southern, and Eastern Judicial Circuits, shall give in special charge to the Grand Juries of said Counties, to enquire and true presentments make, of all crimes, and misdemeanors, committed in that portion of their respective Counties, in the occupancy of said Indians.

Special charge.

SEC. 3. *Be it further enacted,* That the Sheriffs of said Counties shall have power to call out the strength of their, and each of the respective Counties, to execute the Laws within the limits of the same.

Power of Sheriffs.

[Passed the House of Representatives, January 1, 1853. Passed the Senate, January 5, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 537.—[No. 58.]

AN ACT to prevent Negroes from being taken out of the State from the preseh Indian Country without notice.

WHEREAS, There are well grounded reasons for believing that many runaway negroes, belonging to citizens of Florida, are now among the Seminole Indians, and that embarrassments may be thrown in the way of their recovery and possession to their proper owners, if permitted to be taken out of the State from a place remote from where the proper legal proceedings could be conveniently instituted: Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of*

1852.

Negroes, re-
moval of

Representatives of the State of Florida in General Assembly convened, That it shall not be lawful for any Indian Agent, Officer of the Army, or other person or persons, to remove out of the limits of this State any negro or negroes, mulatto or mulattoes, which may come in with the Indians, or be taken with them, or which are now or may be taken hereafter within the present temporary limits of the Indians, as assigned by General Worth, without first advertising the same for at least six weeks in some newspaper published at the capital of the State, fully describing said negro or negroes, mulatto or mulattoes, and producing them at Hillsborough Court House at least three weeks before the expiration of said six weeks of advertising, so that any person or persons claiming may have opportunity to institute legal proceedings, and have the title settled by Judicial decree: *Provided*, That this act shall not extend over the negro or negroes now accompanying the delegation of Indians from the West, or which may hereafter accompany any delegation of Indians from the West of the Mississippi for the purpose of affecting the removal of the Seminoles.

Proviso.

Punishment.

SEC. 2. *Be it further enacted*, That if any person or persons shall violate this act, he or they shall be liable to indictment for a misdemeanor, and on conviction thereof shall be punished by imprisonment for at least six months, or a fine not exceeding five hundred dollars, at the discretion of the Jury, and be liable for double damages sustained by any person or persons by reason thereof.

Claim.
Trial of.

SEC. 3. *Be it further enacted*, That in all cases of a claim to any negro or negroes which may come in or be taken with the Indians, as mentioned in the first section of this act, the person or persons making such claim may enter the same before any Justice of the Peace of Hillsborough County, who shall, within ten days from the time such claim is entered, summon a jury to try the same, and if, upon such trial, the party claiming such negro or negroes shall establish, by proper evidence, his ownership of the same, to the satisfaction of the jury, they shall so return in their verdict, and the said Justice shall thereupon order that such negro or negroes be delivered to the person or persons claiming the same, and the Sheriff of said County shall execute the order of the said Justice in the same manner as he is authorized to execute any order, judgment, or executions issuing out of the Circuit Court.

SEC. 4. *Be it further enacted*, That the expenses of ad-

vertising, and all other expenses attending the trial mentioned in the last preceding section, shall be paid by the person or persons who shall enter a claim as the owner or owners thereof.

[Passed the House of Representatives, December 10, 1852. Passed the Senate, December 23, 1852. Approved by the Governor, January 3, 1853.]

1852.
Expenses.

CHAPTER 538.—[No. 59.]

AN ACT to prevent the trading with the Indians in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the first day of April next, it shall not be lawful for any person or persons to sell, barter, give, loan, or in any manner furnish to any of the Indians now remaining within the limits of this State, or to any negro belonging to or residing with said Indians, any spirituous liquors, powder, lead, or any goods, wares, or merchandise of any description.

Indians, unlawful trading with.

SEC. 2. *Be it further enacted*, That from and after the first day of April next, it shall not be lawful for any person or persons to purchase from the said Indians or negroes either with cash, promises, goods, wares, or merchandise of their produce, either of skins, hides, beeswax, horses, cattle, hogs or any manufactured articles.

SEC. 3. *Be it further enacted*, That any person or persons violating the provisions of this act, shall be subject to fine not less than five hundred dollars and imprisonment not less than six months, at the discretion of the jury, and shall moreover be disqualified from exercising or holding any office of profit or trust in this State or serving as jurors.

Punishment

SEC. 4. *Be it further enacted*, That any [person or persons making] gift, sale, barter or furnishing spirituous liquors, powder, lead, goods, wares and merchandise to any of the aforesaid Indians or negroes within the limits now allowed or allotted to the Indians, contrary to the true intent and meaning of this act, shall be indictable before the Circuit Court of any County of the State, as may be most convenient to the parties, under the same rules and regulations as are now provided by law in other cases: *Provided, however*, That the trading with Indians as contemplated by the provisions of the foregoing sections, shall not prevent any of the half breeds or persons descending from Indian mothers now residing among the whites, from transacting and doing all lawful matters and things with

Indictable, when.

Proviso.

1852.

white citizens as they could or might have done before the passage of this act: *And be it further provided*, That nothing in this act shall be so construed as to prevent any person or persons from purchasing the property of any Indians who may be about to emigrate.

[Passed the Senate, December 28, 1852. Passed the House of Representatives, December 28, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 539.—[No. 60.]

AN ACT to regulate the practice in Criminal Prosecutions.

Conclusion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, in all cases wherein the Defendant upon his trial introduces no testimony, he shall, by himself or Counsel, be entitled to the concluding argument before the Jury, as is now the practice in the trial of civil cases.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 3, 1853.]

CHAPTER 540.—[No. 61.]

AN ACT amendatory of the several Acts now in force in this State in relation to Trading with Negroes.

Negroes, trading with.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall not be lawful for any person by himself, agent, servant or slave, to sell or give any spirituous or vinous liquors to any negro within this State, in any quantity. Any person violating the provisions of this Act, shall be subject to indictment, and upon conviction, be fined not exceeding one hundred dollars, or imprisonment not exceeding three months, at the discretion of the Court: *Provided*, That this Act shall not be so construed as to forbid owners from giving their own slaves spirituous or vinous liquors.

[Passed the House of Representatives, January 5, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January 10, 1853.]

CHAPTER 541.—[No. 62.]

AN ACT to prevent the sale of Spirituous Liquors to slaves in certain cases.

WHEREAS, Under the existing law it is the custom of many persons to give to their negroes a written permit to last for one year [or as is usually termed a standing order] to buy Spirituous Liquors. And whereas, such negroes having standing orders at the places where liquor is sold, can and do buy liquor in any quantity, and at any time to distribute among other negroes : Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly Convened*, That from and after the passage of this Act, it shall not be lawful for any person to give to any negro, or mulatto, a written permit to purchase, at any one time, a quantity of Spirituous Liquors greater than one quart, under the penalty of being indicted in the Circuit Court, and on conviction thereof be fined in a sum not more than twenty-five dollars, nor less than ten dollars, at the discretion of the Jury.

Spirituous Li-
quors.

SEC. 2. *Be it further enacted*, That any person who shall sell, to any negro or mulatto, Spirituous Liquors in quantities greater than one quart under an order, from any person, shall suffer the same penalty as is now prescribed by law, against persons selling liquor to negroes, or mulattoes : *Provided, however*, That the provisions of this Act shall not extend to orders sent by white persons, for any quantity of liquor for their own use.

Penalty.

[Passed the House of Representatives, January 6, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 542.—[No. 63.]

AN ACT to change and modify the Penal Statutes in reference to Gaming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That so much of the act amendatory of the act in relation to gaming, passed in 1847, in relation to punishment by fine and imprisonment, be repealed, and the punishment or penalty incurred for said offence of gaming, shall hereafter be fine or imprisonment, at the dis-

Repeal.

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cretion of the jury, with the limitations and restrictions specified in the act to which this is an amendment.

[Passed the Senate, December 29, 1852. Passed the House of Representatives, January 3, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 543.—[No. 64.]

AN ACT to amend and simplify the Election Laws now in force in this State.

Election, when opened. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the poll of every election shall be opened at nine o'clock in the morning, or as soon thereafter as practicable, and shall be closed at five o'clock in the afternoon.

Ballot. SEC. 2. *Be it further enacted,* That the electors shall vote by ballot, and each person offering to vote shall deliver his ballot or paper ticket to one of the Inspectors, or the Board, which ballot shall contain the name or names of the person or persons for whom the voter intends to vote, and also the office to which each person so named is intended by him to be chosen, the office to precede or be designated on the ballot by the person voting.

Box. SEC. 3. *Be it further enacted,* That at the opening of the polls, the box shall be publicly opened by one of the Inspectors, and exposed, so that it may be seen that there are no ballots therein; the box shall then be closed, and shall not be again opened until the polls are closed.

Inspectors. SEC. 4. *Be it further enacted,* That when the Inspectors shall have received the ballot of any voter, one of them, without opening the same, or permitting it to be opened or examined, shall deposit it in the box.

Poll Book. SEC. 5. *Be it further enacted,* That the Clerk of the Election shall keep a poll book, or list of the voters.

Votes, count. SEC. 6. *Be it further enacted,* That as soon as the poll of an election shall have been finally closed, the canvass and count of the votes shall commence, and shall be public, and shall be completed before an adjournment of the Inspectors.

Votes not counted. SEC. 7. *Be it further enacted,* That the box being opened, the ballots contained therein shall be taken out and counted; and if it shall be found that two names for the same office are found on the same ballot or ticket, they shall not be counted; all the ballots or tickets to be strung

as taken out, and preserved, to be taken to the Court House or County Site, as hereinafter provided.

SEC. 8. *Be it further enacted*, That the canvass being completed, duplicate certificates of the result shall be drawn off by the Inspectors or Clerks, containing, in words and figures, written at full length, the whole number of votes given for each office at such election, the names of the persons for whom such votes for such office were given, and the number of votes so given to each person, which certificate shall be signed by the Inspectors and Clerk; and that no return shall be rejected for informality in the certificate, without there is clear indication of fraud in the proceedings.

Result, certificates of

SEC. 9. *Be it further enacted*, That the poll book, or list of voters, shall be certified and signed by the Inspectors and Clerk, which shall, together with one of the certificates of the result of the election, and the ballots, strung as provided in section 7, after being enclosed, sealed, and endorsed "Election Returns," be carried to the Court House, or seat of Justice, by one of the Inspectors, to be determined by lot, if they cannot agree; and in case, from any unforeseen cause, the Inspector chosen cannot carry them, he may send them by a trusty person: *Provided*, The same be a legal voter of said County, sworn to deliver them as hereinafter provided; that he receive, as compensation for his services, the sum of ten cents per mile, going and returning, to be paid out of the County Treasury; and that upon such Inspector, or other person, intrusted with the returns of said votes, refusing to deliver the same, [he] shall be subject to indictment, and, on conviction, to be fined not exceeding one hundred dollars, at the discretion of the Court.

Poll book, how certified.

Proviso.

SEC. 10. *Be it further enacted*, That on the third day after an election, except in the Counties of Monroe, Dade, and Orange, which shall be the tenth day, it shall be the duty of the Inspectors of the different precincts, or persons intrusted with the returns, to meet at the Court House, or County Site, who, or any two of them, with the Judge of Probate, shall form a board of canvassers for the County, and it shall be the duty of said board to proceed publicly to open the returns, and to canvass and count the votes given for the several persons for each office in each precinct, in regular order, commencing at the first precinct.

Inspectors, when to meet.

SEC. 11. *Be it further enacted*, That the canvassers shall

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Canvassers' certificate.

then make and sign a certificate in triplicate, one to remain on file, as now provided by law, the other two to be sent to the Secretary of State, or Speaker of the House, by different mails, immediately after the canvass; such certificate to contain, in words and figures, written at full length, the whole number of votes given in such County for each officer, the names of the persons for whom such votes for such officer were given, and the number of votes so given to each person.

Governor.

SEC. 12. *Be it further enacted*, That the certificate of the election for Governor shall be sent by mail, as provided in section 11, to the Speaker of the House of Representatives, and the certificate of the result of the election of Member of Congress and State Senator, shall be sent to the Secretary of State, as provided in section 11, and the certificate or certificates for members of the Assembly, shall be delivered to them, on application, as now provided by law.

SEC. 13. *Be it further enacted*, That all acts and parts of acts inconsistent with the true intent and meaning of this act, be and are hereby repealed.

[Passed the Senate, December 17, 1852. Passed the House of Representatives December 29, 1852. Approved by the Governor, January 6, 1853.]

CHAPTER 544.—[No. 65.]

AN ACT to amend An Act entitled An Act to provide for the election of Electors of President and Vice President of the United States, approved January 6, 1847.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly Convened*, That the thirteenth section of said act be and the same is hereby repealed, and that the following be substituted in lieu thereof, viz:

Pay of Sheriffs.

SEC. 13. *Be it further enacted*, That the Sheriffs of the different Counties shall each receive for attendance at the Court House of their respective Counties, to receive the poll books from the different precincts therein, the sum of three dollars, and for delivering the poll books to the Secretary of State at his office, the rate of ten cents for every mile of travel to and from the Seat of Government, the distance to be estimated from their respective Court Houses or County Sites, on the most usual route to the Seat of Government, which fee shall be allowed by the Comptrol-

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ler on the certificate of the Secretary of State, and paid by the Treasurer: *Provided*, That mileage shall not be paid to any Sheriff under the provisions of this act, unless he brings *in person*, said returns to the Secretary of State as herein provided.

[Passed the Senate, January 3, 1853. Passed the House of Representatives, January 6, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 545.—[No. 66.]

AN ACT supplementary to an Act entitled an Act giving the election of Judges of Probate to the people.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the election of any person to the office of the Judge of Probate's may be contested in the same manner as is provided by law for contesting the election of Sheriffs and other County Officers. Contest.

SEC. 2. *Be it further enacted*, That when a vacancy shall occur in the Office of Judge of Probates, of any County the Clerk of the Court of said County, shall immediately order a new election, for a Judge of Probate to be conducted under the same forms and regulations as other elections, giving at least three days notice at each precinct; The persons so elected to continue in office only during the unexpired term of his predecessor. Vacancy.

SEC. 3. *Be it further enacted*, That should a vacancy occur in the offices of Judge of Probate and Clerk of the Court, in the same County at the same time, that the Governor of the State shall appoint a Judge of Probate *pro tem* to discharge all the duties of that office until a Clerk of the Court and a Judge of Probate shall be duly elected and qualified. Appointment by Governor.

[Passed the Senate, December 13, 1852. Passed the House of Representatives, December 17, 1852. Approved by the Governor, December 23, 1852.]

CHAPTER 546.—[No. 67.]

AN ACT to prescribe the mode of contesting the election of Judges in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That if any candidate for the office of Judge of the Circuit Court, or Chief Justice or Justice of

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Judges, contesting election of

the Supreme Court of this State, shall contest the election of any person to either of said offices, he shall give notice thereof in writing to the person whose election he contests, or leave notice in writing at the house where the person last resided, within twenty-five days after the canvass at the office of the Secretary of State, as now provided by law, expressing in such notice the points on which said election will be contested, and the name of the Judge of Probate or Judge of the Circuit Court who will attend at the taking of the depositions, and where and when such depositions shall be taken : *Provided always*, That the party whose election is contested may also take depositions before either of said officers upon reasonable notice to the adverse party, and either of said officers may issue such process as may be necessary to compel the attendance of witnesses.

Depositions, how taken.

SEC. 2. *Be it further enacted*, That the officer taking any deposition under this act, shall reduce the same to writing, either party may examine or cross examine any witness, and require his answers to be taken down, if pertinent to the points in contest; the officer taking the deposition shall certify the same, and transmit it to the Governor of the State, who, with the Attorney General of the State and the Comptroller of Public Accounts of this State, shall be and they are hereby constituted a tribunal, whose duty it shall be, to hear such evidence as may be lawfully presented, and to determine whether the contestant or contestee has been lawfully elected, and if they shall decide that the contestant has been lawfully elected, they shall certify the same to the Governor, who shall thereupon issue a commission to the person so determined to have been elected : *Provided, however*, That if the decision made by said contesting tribunal is in favor of the person whose election is contested, the Governor shall issue the commission to him : *And provided further*, That if there shall be a tie between the two candidates having the highest number of votes, the Governor shall issue another writ of election as directed by law, and the former incumbent shall remain in office until his successor is elected and qualified.

Provisio.

Decision.

SEC. 3. *Be it further enacted*, That the tribunal herein above established, shall hear and decide any case of contested election which may be submitted to it, under the provisions of this act, within thirty days after the canvass at the office of [the] Secretary of State, as provided by law.

[Passed the Senate, January 6, 1853. Passed the House of Representatives, January 10, 1853. Approved by the Governor, January 11, 1853.]

CHAPTER 547.—[No. 68.]

AN ACT in relation to the Permanent Location of the Seat of Government of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the qualified voters of this State shall, at the election to be held on the first Monday of October, A. D. 1854, for member of the House of Representatives of the United States, vote for the "removal of the Seat of Government from the City of Tallahassee" or "no removal," and the Inspectors and Clerks of election shall certify the results to the Judges of Probate of their respective Counties as in other elections: and it shall be the duty of Judges of Probate to mention the vote on this question, in the advertisements published by them in pursuance of law, prior to the General Election; and it shall be the duty of Judges of Probate in the several Counties in this State to certify the same to the Secretary of State within ten days from their receiving the same: and it shall be the duty of the Secretary of State, on the thirty-fifth day after the election aforesaid, to canvass all the returns of Judges of Probate and immediately certify the result to the Governor.

Seat of Government.

SEC. 2. *Be it further enacted,* That there shall be five Commissioners appointed to wit: Robert J. Floyd, of Franklin County, Richard A. Shine, of Leon County, S. B. Thomas, of Madison County, David Provence, of Marion County, and John Darling, of Hillsborough County: *Provided,* That if either of the said Commissioners shall refuse to serve, or, in the event of their death or removal, from the Counties before mentioned, it shall be the duty of the Governor to appoint some fit and proper person residing in the County where such vacancy occurs.

Commissioners

SEC. 3. *Be it further enacted,* That if it shall appear from the certificate of the Secretary of State, that a majority of the ballots shall have been cast for the removal of the Capitol from its present location at the City of Tallahassee, it shall be the duty of the Governor forthwith to notify the aforesaid Commissioners or their successors of the same, whose duty it shall be to meet at Tallahassee on the fortieth day after the date of such notice by the Governor and proceed to select and permanently locate the Seat of Government of this State, having a special regard to centralness and healthfulness of locality.

Selection of site.

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Grant for.

SEC. 4. *Be it further enacted*, That when the said Commissioners shall have selected and fixed the locality for the Seat of Government as herein before provided, they shall ascertain the terms upon which one hundred and sixty acres of land at said locality may be obtained by the State, and shall report their actings and doings in this behalf to the next General Assembly: *Provided, however*, if the said locality shall be situated at the seat of justice of a County, and the Commissioners of said County shall donate to the State a lot or lots of land sufficient for the erection of a State House, then and in that event, the said Commissioners shall and may determine upon accepting the offer, of said lot or lots, as to them may seem best.

Donation.

Compensation.

SEC. 5. *Be it further enacted*, That when the said Commissioners shall have selected and fixed upon a permanent Site, and made the same known to the General Assembly, it shall be the duty of the Comptroller to audit, and the Treasurer to pay, to said Commissioners, the same mileage and per diem that members of the General Assembly are entitled to.

[Passed the Senate, December 18, 1852. Passed the House of Representatives, January 3, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 548.—[No. 69.]

AN ACT to organize the County of Sumpter.

Sumpter Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the County of Sumpter be and is hereby declared to be established, and that all that portion of Marion County which lies South of the line dividing Townships seventeen and eighteen, shall comprise the County of Sumpter.

Officers.

SEC. 2. *Be it further enacted*, That the Governor of this State, on the passage of this act, shall appoint a Judge of Probate, Clerk of the Circuit Court, and a Sheriff, who, *ex officio*, shall exercise the duties of Tax Assessor and Collector; said officers to hold their offices until October, 1853, or until their successors are elected and qualified.

Election of.

SEC. 3. *Be it further enacted*, That the qualified voters be and are hereby authorized to elect such County officers as by law are directed to be elected in the other Counties in this State, in the same manner, and subject to the same duties, provisions, and responsibilities.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Judge of Probate in said County, to order an election for County officers for said County, on the first Monday in October, 1853, at the usual precincts for holding elections in said County.

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When.

SEC. 5. *Be it further enacted*, That the Circuit Courts of said County, and meetings of the County Commissioners, shall be held at Adamsville until the qualified voters shall choose the County Site, and until suitable buildings shall have been erected, and the Judge of Probate shall order an election to locate the County Site.

Courts, &c.
when held.

SEC. 6. *Be it further enacted*, That the Justices of the Peace in office within the limits of said County on the passage of this act, shall continue in office until their terms of office respectively expire.

Justices.

SEC. 7. *Be it further enacted*, That all suits, civil or criminal, which have been, or may hereafter (before the organization of the County of Sumpter) be sued, prosecuted, or commenced in any of the Courts of this State, against any person or persons living and being within the boundaries of said County of Sumpter, shall be tried, prosecuted, and completed in the same manner they would have been, had this act creating said County not been passed.

Suits pending.

SEC. 8. *Be it further enacted*, That all letters of Administration, letters testamentary and letters of guardianship or curatorship, which have been or may hereafter (before the organization of the County of Sumpter) be granted by any Judge of Probate in this State upon Estates lying and being within the limits of said County of Sumpter, shall be settled in the County in which the same issued as fully as if this act creating said County had not been passed.

Estates, &c.

SEC. 9. *Be it further enacted*, That until otherwise provided by law, the said County of Sumpter shall remain part of the same Senatorial District to which it is now attached; and the respective inhabitants therein shall vote in the same Senatorial District they would have voted had not this act creating said County of Sumpter been passed.

Senatorial district.

SEC. 10. *Be it further enacted*, That said County of Sumpter shall be entitled to one Representative in the General Assembly of the State of Florida: *Provided*, Its population shall equal the existing ratio of Representation; and in such case the Judge of Probate shall order an election for such Representative, according to law: *And provided, further*, That the population of Marion County shall

Representative.

Proviso.

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not be reduced by the taking of such County of Sumpter from its territory below the existing ratio ; and the Judge of Probate shall forward a copy of the list of enumeration to the Secretary of the State of Florida, and no election shall take place for such Representative until such evidence shall be forwarded to the Secretary of State.

Circuit Court,
when held.

SEC. 11. *Be it further enacted*, That the Circuit Court shall be held in Sumpter County on the fourth Wednesday in November, and the Spring Court shall be held in said County on the second Monday in April in each and every year.

Judicial Circ't.

SEC. 12. *Be it further enacted*, That the said Circuit Court of said County of Sumpter shall be annexed and belong to the Eastern Judicial Circuit, and that it shall be the duty of the Judge of said Eastern Circuit to hold Spring and Fall Terms of said Courts, as prescribed in the 11th section of this act.

Inhabitants, e-
numeration of.

SEC. 13. *Be it further enacted*, That the Judge of Probate of the County of Sumpter shall, within twelve months from the passage of this act, cause an enumeration of the inhabitants of the said County to be taken, by some competent person, and the expenses of said enumeration to be paid out of the Treasury of said County ; and the Judge of Probate shall forward to the Secretary of this State a true copy of said enumeration, as provided for in section [10] of this act.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, December 31, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 549.—[No 70.]

AN ACT to locate a County Site of Hernando County.

Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Judge of Probate of Hernando County, within three months after the passage of this act, to order an election to be held at the several precincts in said County for one Commissioner, to be elected from and for their respective Districts, by the qualified voters thereof, giving at least twenty days notice of said election.

SEC. 2. *Be it further enacted*, That the Judge of Probate shall, within thirty days after such election and canvass of the notes, notify, in writing, each person chosen as

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Commissioner, in each District, of his election, and each Commissioner, before entering upon the duties of his office, shall make an oath before the Judge of Probate, or any Justice of the Peace in and for said County, faithfully to discharge the duties of the office to which they have been elected.

Oath of.

SEC. 3. *Be it further enacted*, That the said Commissioners shall, within thirty days after they shall have been notified of their election, meet, examine, consult, and determine upon the most eligible place for the location of the County Site, taking into consideration the centre of said County, water and timber; also the best offer that any person or persons may propose to said Commissioners to the advantage and benefit of said County; and if said Commissioners do not agree to locate said County Site, then they shall call in to their assistance the fifth person, who shall be a qualified voter of said County; and if said Commissioners do not agree then, the Judge of Probate shall be the umpire, and the concurrence of any three of them shall constitute a Board to do all that is required under said act.

Meet'g of, &c.

SEC. 4. *Be it further enacted*, That should the said Board of Commissioners locate the Site on lands belonging to the State, then the Commissioners shall apply to the Register of State Lands for such lands, not exceeding eighty acres, at the price of \$1.25 cents per acre, and the Register of State lands shall, on application, make titles to said Commissioners, at the above price, as required by this act.

Location on
State lands.

SEC. 5. *Be it further enacted*, That all laws and parts of laws heretofore passed establishing a County Site for Hernando County, be and the same are hereby repealed: *Provided, however*, That till the County Site is located, as contemplated by this act, it shall be and remain at De Soto, as at present.

Repeal, &c.

[Passed the House of Representatives, December 27, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 7, 1853.]

CHAPTER 550.—[No. 71.]

AN ACT to provide for the election of a County Site of Alachua County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an election be held on the first Mon-

Election.

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day in May, A. D. 1853, for the purpose of locating permanently the County Site of Alachua County, and it is hereby made the duty of the Judge of Probate of said County to advertise said election in the manner provided for in the election of County Officers.

Inspectors, duty of.

SEC. 2. *Be it further enacted*, That it shall be the duty of such Inspectors of said election, within five days after the same shall be held, to make out and transmit to the Judge of Probate of said County a statement of the number of votes cast at their respective precincts for each place voted for as such County Site, and it shall be the duty of the Judge of Probate, within ten days after such election, to make out a statement of the whole number of votes given for each place voted for as such County Site, and the place having the majority of the whole number of votes given at said election, shall be the County Site of said County.

Tie.

SEC. 3. *Be it further enacted*, That in case of a tie between any two or more places having the highest number of votes, it shall be the duty of the Judge of Probate to order a new election, to take place immediately thereafter, by giving ten days notice of the same, and the two places receiving the highest number of votes at the first election, shall be the places voted for at the second election for the County Site of said County.

County Commissioners, duty of.

SEC. 4. *Be it further enacted*, That when the County Site shall have been selected by vote, according to the provisions of this act, it shall be the duty of the County Commissioners of said County to purchase as much land for the use of the County as, in their judgment, they may determine necessary, such purchase not to exceed one hundred and sixty acres of land; and the said Commissioners shall lay off said tract into lots, reserving a square in the centre of sufficient size for the erection of buildings for County purposes, and said lots to be sold at public outcry to the highest bidder, and the proceeds arising therefrom shall be applied to the erection of necessary buildings for County purposes; and these buildings shall be erected on said square as soon as the Commissioners, in their opinion, may deem necessary; and until such buildings be erected, the Courts shall be held at Newnansville in said County.

Public build'gs

SEC. 5. *Be it further enacted*, That so soon as a suitable Court House, and other buildings necessary for County purposes, are built at the place selected in said County for the County Site, the Courts of said County shall be held there.

SEC. 6. *Be it further enacted*, That all laws and parts of laws conflicting with the true intent and meaning of this act, be and they are hereby repealed.

[Passed the House of Representatives, December 16, 1852. Passed the Senate, December 20, 1852. Approved by the Governor, December 28, 1852.]

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CHAPTER 551.—[No. 72.]

AN ACT to provide for the election of a County Site in the County of Walton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an election be held on the first Monday of October, A. D. 1853, for the purpose of locating permanently the County Site of Walton County, and it is hereby made the duty of the Judge of Probate of said County to advertise said election, in the manner provided for in the election of County Officers.

County Site
election.

SEC. 2. *Be it further enacted*, That it shall be the duty of such Inspectors of said election, within five days after the same shall be held, to make out and transmit to the Judge of Probate of said County a statement of the number of votes cast at their respective precincts for each place voted for as such County Site; and it shall be the duty of the Judge of Probate, within ten days after such election, to make out a statement of the whole number of votes given for each place voted for as such County Site, and the place having the majority of the whole number of votes given at said election, shall be the County Site of said County.

Votes.

SEC. 3. *Be it further enacted*, That in case of a tie between any two or more places having the highest number of votes, it shall be the duty of the Judge of Probate to order a new election, to take place immediately thereafter, by giving ten days notice of the same; and the places having the two highest number of votes at the first election, shall be the places voted for at the second election for the County Site of said County.

Tie.

SEC. 4. *Be it further enacted*, That when the County Site of said County shall have been established by vote, according to the provisions of this act, it shall be the duty of the Board of County Commissioners for said County to appropriate the County funds in erecting a suitable building for the purpose of holding Courts therein, as a Court House, and superintend the building of the same, and un-

Public build-
ings.

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til said Court House is built, the Courts shall be held at Eucheeanna in said County.

Courts.

SEC. 5. *Be it further enacted*, That so soon as a suitable Court House is built at the place located in said County for the Site, the Courts of said County shall be held there.

Repeal.

SEC. 6. *Be it further enacted*, That all laws and parts of laws conflicting with the true intent and meaning of this act, be and they are hereby repealed.

[Passed the Senate, December 10, 1852. Passed the House of Representatives December 11, 1852. Approved by the Governor, December 23, 1852.]

CHAPTER 552.—[No. 73.]

AN ACT for the election of a County Site in Orange County.

Election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Judge of Probate in the County of Orange to order an election to be held on the first Monday in October next (1853) at the several precincts in the County of Orange, under such Laws, forms, restrictions, rules, and regulations as are now provided for County Officers throughout the State and as are not inconsistent with this Act, for the purpose of electing the County Site and for the establishing the Court House; that at said election each voter, at each precinct, shall declare, upon his ticket, the place he would prefer for the County Site of said County, and the place receiving the highest number of votes at said election shall be the County Site, and remain so till changed by law; and the said Judge of Probate shall certify the result of said election to the Secretary of the State, and to the Board of County Commissioners for said County of Orange.

[Passed the House of Representatives, December 27, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 3, 1853.]

CHAPTER 553.—[No. 74.]

AN ACT in relation to the County Site of Wakulla County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly Convened*, That for the determining of the question more fully of the will of the people of Wakulla Coun-

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ty, in regard to the question of their County Site, it shall be the duty of the Judge of Probate of said County, to order an election at the different precincts in said County, with the usual notice, to be held on the first Monday in March, 1853, at which time and places the legal voters of said County shall determine by their votes, which of the two places shall be the County Site for said County, to-wit: the new location, under the act of 1849, known as Lost Creek, or Newport; and if upon canvassing the votes, the majority shall determine in favor of Lost Creek, then it shall be the duty of the County Commissioners of Wakulla County, and they are herein required to lay off, and designate, by proper bounds, so much land, not to exceed ten acres, as shall be necessary for the Site of a Court House and other public buildings for said County, at the place fixed upon and determined by the Commissioners elected under the provisions of an act to authorize the people of Wakulla County to select their County Site, approved January 12th, 1849.

Election.

SEC. 2. *Be it further enacted*, That should it be found necessary, as will appear from the result of the election as authorized in the first section, and should the owner or owners of said land, so laid off and designated as aforesaid refuse to sell the same, or the parties cannot agree on the value and sale of said lands, it shall and may be lawful for the Judge of Probate of said County after giving at least twenty days' notice to the owner or owners of said lands, or the agent or Attorney of the same, to issue a writ of *ad quod damnum*, directed to the Sheriff of said County, to summon five disinterested persons, house-holders, of lawful age, to meet and value the said land on oath, to be administered by any Justice of the Peace, whose duty it shall be to attend in person said inquest, and receive the report; and the amount thus fixed upon by said valuation, the said Justice of the Peace shall receive from the said County Commissioners, and pay over to the person or persons so entitled to receive the same, and take an acquital therefor of the sum awarded to the party entitled to receive it, or the Agent or Attorney thereof; and it shall be lawful for the said County Commissioners to enter upon and take possession of said lands, for the use of said County; but all costs incurred by said writ of *ad quod damnum* shall be paid by the said County Commissioners.

Ad quod damnum.

SEC. 3. *Be it further enacted*, That it shall be the duty of said County Commissioners to proceed to the erection, at

Public buildings.

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Loan. the place receiving the majority of votes as provided for in this act, [of] such Court House and other public buildings, as the necessities of said County may require, and for such purpose it shall be lawful for the officer having the control and management of the school funds, and he is hereby required, upon the application of the Board of County Commissioners of said County, to loan to the said County from the said fund the sum of three thousand dollars, or less to be appropriated exclusively to the erection of a Court House and Jail for said County under the superintendence of said County Commissioners.

Rate per cent. SEC. 4. *Be it further enacted*, That to insure a faithful reimbursement of the said loan and interest at the rate of six per centum per annum, an assessment of twenty per centum on the State tax shall be annually levied upon the Citizens of said County, until the said interest accruing thereon shall have been paid off and satisfied, which assessment shall be collected by the Tax Collector of said County, and by him paid to the said officer so having the contract, and management of the School Funds for the time being, and that it shall be the duty of said Tax Collector, upon said payments from year to year, to take duplicate receipts for the same, and to file one of said receipts in the office of the County Commissioners of said County.

Assessment. SEC. 5. *Be it further enacted*, That the members constituting the Board of County Commissioners at the date of said loan, and their successors in office shall be held personally responsible in the County of Wakulla for the faithful appropriation of the said funds to the object above indicated.

Appropriation. SEC. 6. *Be it further enacted*, That the County Commissioners who shall be in office at the date of said loan are hereby made jointly and severally liable for the repayment of the amount of principal and interest of said loan or any part thereof which shall not be paid in the manner aforesaid.

Responsibility. SEC. 7. *Be it further enacted*, That the said loan shall be so invested as to have the interest payable on the 20th day of July, 1853, and annually thereafter.

Investment. SEC. 8. *Be it further enacted*, That this act shall be, and continue [in force] until the said loan, and the interest accruing thereon shall have been fully reimbursed and paid off, and no longer.

Duration of act. SEC. 9. *Be it further enacted*, That the place made known and selected under this act and which shall have

received the largest number of votes, shall be permanently the County Site of said County, and that the locating Commissioners elected under the act of 1849, be and are hereby exempt and declared free of all duties under said act.

[Passed the House of Representatives, December 29, 1852. Passed the Senate, January 1, 1853. Approved by the Governor, January 10, 1853.]

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Permanent location.

CHAPTER 554.—[No. 75.]

AN ACT to repeal An Act to provide for the removal of the Indians now remaining in Florida beyond the limits of the State. Approved January 20, 1851.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an Act to provide for the removal of the Indians now remaining in Florida beyond the limits of the State. Approved 20 January 1851, be, and the same is hereby repealed. Repeal,

[Passed the Senate, December 24, 1852. Passed the House of Representatives, January 3, 1853. Returned by the Governor with his Veto. Reconsidered in both Houses, and passed by the requisite Constitutional majority.]

CHAPTER 555.—[No. 76.]

AN ACT to provide for the Final Removal of the Indians of this State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, it shall be unlawful for any Indian or Indians to remain within the limits of this State, and any Indian or Indians that remain or may be found within the limits of this State, shall be captured and sent West of the Mississippi: *Provided,* That the Indians and half-breeds residing among the whites, shall not be included in the provisions of this section: *Provided, further,* That nothing shall be authorized under this act in violation of the Constitution of the United States: *And provided, also,* That any Indian or Indians so captured may be turned over and delivered to the commandant of any Military Post, or Agent of the United States, which may be most convenient, and that the Indians thus captured be transported beyond the Mississippi River by the officers and authority of the Federal

Indians, capture of.

Proviso.

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Government; but if the Indians so tendered to the United States officer are refused, then this proviso shall be wholly inoperative.

Volunteers.

SEC. 2. *Be it further enacted*, That the Governor be and he is hereby required to raise one Regiment of Mounted Volunteers, and one Regiment of Infantry, each Regiment to consist of not more than one thousand men, to be organized, provided for, equipped and disposed of as hereinafter provided; and said Regiment shall have the same number of officers, and each officer shall have the same rank which is now prescribed by the Militia Laws of this State, and to be armed in such manner as the Commanding Officer may think the exigencies of the service may require.

Brigadier General, election of

SEC. 3. *Be it further enacted*, That said Regiment of Volunteers as aforesaid shall compose one Brigade, and shall be commanded by a Brigadier General, to be elected by the joint vote of the General Assembly, who shall be commissioned by the Governor, and shall be entitled to the same staff officers as an officer of similar rank in the United States Army; and the Governor of this State shall confer, by Brevet Commission, from time to time, such additional rank on the said Brigadier General as may be required to command such additional force as may from time to time be ordered in the service, as hereinafter provided.

Officers.

SEC. 4. *Be it further enacted*, That said officers, except staff officers and the Commanding Officer, shall be elected by the Volunteers of the several Companies, Regiments, and Batalions to be raised under the provisions of this act, and shall be commissioned by the Governor of this State.

Tender to General Govern't.

SEC. 5. *Be it further enacted*, That the Governor be and he is hereby required to tender said Brigade to the General Government, for the removal of the Indians, and to raise any greater or larger force that the General Government may require to remove said Indians West of the Mississippi.

Refusal of.

SEC. 6. *Be it further enacted*, That should the General Government refuse to receive said Volunteer force, or fail to notify the Governor of their acceptance of the same at the earliest practicable time, it shall be the duty of the Governor forthwith and without delay to secure the frontier settlers, and to employ the said Brigade in carrying out the provisions of this act, in that part of the Peninsula of this State now in the occupancy of the Indians.

SEC. 7. *Be it further enacted*, That for the purpose of

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providing for [the] subsistence, forage, transportation, and pay of the Volunteers authorized to be raised by the second section of this act, the sum of five hundred thousand dollars be and the same is hereby appropriated, and the Governor is hereby authorized to borrow such sum from any of the Funds of this State, or from any other source, and to execute bonds for the payment of the same, at a rate of interest not exceeding six per cent. per annum: *Provided*, The said State bonds can be sold at par: *And provided*, Said bonds shall be made payable ten years from the date thereof: *And provided, also*, That the interest accruing thereon shall be paid semi-annually, and ten per centum of the annual revenue of the State shall be pledged for the redemption of said bonds.

Subsistence,
&c.

Loan.

SEC. 8. *Be it further enacted*, That each officer shall report to his senior in command, and the Brigadier General to the Commander-in-Chief of this State, and said Brigade shall be governed by the rules and articles of war, and regulations of the United States.

Rules.

SEC. 9. *Be it further enacted*, That there shall be a Quartermaster, and Commissary to each Regiment, who shall be governed and directed by the rules for the government of the Subsistence and Quartermasters department in the Army of the United States: And also a paymaster who shall be governed by the rules and regulations, by which Paymasters in the United States Army are governed: *Provided*, That should the United States, fail or refuse to accept the services of said Troops, the Comptroller of this State, shall be, and is hereby authorized, and required to issue warrants upon the Treasury of this State, for all accounts arising or to arise, in consequence of the provisions of this Act, and which shall have been properly vouched, and approved by the proper Military Officers.

Quartermaster
&c.

Proviso.

SEC. 10. *Be it further enacted*, That the Governor is hereby authorized, and he is required to cause proper accounts, and vouchers, for all expenditures made, and expenses incurred, on account of the removal of the Indians under this Act, to be made, and to call on Congress to make an appropriation to reimburse the State for the same.

Accounts and
vouchers.

SEC. 11. *Be it further enacted*, That the Governor be, and he is hereby required to cause the officers, commanding the different Divisions, Brigades, Regiments, Battalions, and Companies in this State, to organize their re-

Militia.

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Proviso.

spective commands immediately, to be held in readiness, and subject to the orders of the officer commanding the Volunteer forces for the removal of the Indians: *Provided*, That the Governor shall not commence actual operations within the Indian boundary until the fourth day of May next, and not until he is satisfied that the General Government has determined not to remove said Indians by force, or otherwise: *Provided, further*, That if actual hostilities shall be commenced by the Indians before that time, then the foregoing proviso, shall be of no force or effect.

Pay.

SEC. 12. *Be it further enacted*, That the Troops, and of ficers raised under the provisions of this Act, shall not be entitled to, nor receive pay from the State, until they have received orders to march into the Indian Territory for the protection and defence of the same.

[Passed the Senate, January 11, 1853. Passed the House of Representatives, January 12, 1853. Returned by the Governor with his Veto. Reconsidered in both Houses, and passed, by the requisite Constitutional majority.]

CHAPTER 556.—[No. 77.]

AN ACT to amend an act in relation to the appointment of Commissioners and Overseers of Roads.

Term of office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter all Commissioners and Overseers of Roads shall hold their offices for one year, and until their successors are appointed and qualified, instead of two years.

Repeal.

SEC. 2. *Be it further enacted*, That so much of the law in relation to the appointment of Commissioners and Overseers of Roads as entitle them to hold their offices for two years, be and the same is hereby repealed.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 28, 1852. Approved by the Governor, December 31, 1852.]

CHAPTER 557.—[No. 78.]

AN ACT to repeal an act in relation to Pilotage for the Port of Key West.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an act intitled an act in relation to

Pilotage for the Port of Key West, approved December 23d, 1850, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, in relation to Pilotage at the Port of Key West in force before the passage of said act, be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That the Commissioners of Pilotage for the Port of Key West shall have power and authority to make and ordain all necessary by-laws, rules and regulations for the government of Pilotage for said Port.

Commissioners
of Pilotage.

[Passed the Senate, December 31, 1852. Passed the House of Representatives, January 4, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 558.—[No. 79.]

AN ACT to prevent fire hunting in the County of St. Johns.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall not be lawful for any person or persons to hunt with a gun or other fire arms, by fire light in the night time at any place within the County of St. Johns in this State, except within his own enclosure: such person shall on conviction be fined in a sum not exceeding twenty-five dollars, or imprisonment not exceeding one month at the discretion of the Court.

Fire-hunting
prohibited.

SEC. 2. *Be it further enacted*, That if any person hunting with fire light in the night time, shall kill or wound any horse, mare, colt, cattle, sheep, goat, or hog, or other domestic animal not being his own, the person so offending shall be liable to an action at law for double the value of said animal to the person aggrieved, in addition to the above penalties.

Action allowed

SEC. 3. *Be it further enacted*, That if any slave or slaves, shall be discovered fire hunting in the manner aforesaid, such slave or slaves, on conviction thereof in manner aforesaid, shall, by order of the said Court, receive not exceeding thirty lashes, and the master or owner of such slave or the person in whose care he shall be, if said hunting was done by his or their order, permission, knowledge or consent, expressed or implied, shall be liable to an action at law for any damage said slave or slaves may commit, while thus fire hunting.

Slave punish-
ment.

SEC. 4. *Be it further enacted*, That if any person con-

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Owners of, how
punished.

victed of sending or having sent his or her slave, or any slave in his or her charge or care, to fire-hunt in any manner before mentioned, the person so offending shall be subject to the same pains and penalties as are provided by this act to be inflicted on fire-hunters, but the slave so sent shall receive no punishment.

Violation of
Sabbath.

SEC. 5. *Be it further enacted*, That it shall not be lawful for any slave or slaves to hunt hogs or cattle with dogs on the Sabbath day, in any County in this State, without having some white person with them, and the owner or owners of such slave or slaves shall be liable in an action at law for any damage such slave or slaves may commit on the rights or property of others.

SEC. 6. *Be it further enacted*, That all laws and parts of laws inconsistent with the above provision, be and the same are hereby repealed.

[Passed the House of Representatives, January 3, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 559.—[No. 80.]

AN ACT to separate the offices of Sheriff and Tax Assessor and Collector in the County of Nassau.

Assessor and
Collector.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the duties now required to be performed by the Sheriff, in the assessment and collection of Taxes in the County of Nassau, shall be performed by an Assessor and Collector, which shall be a separate and distinct office from the office of Sheriff in said County, after the year 1853.

Election of.

SEC. 2. *Be it further enacted*, That an election be held at the several precincts in said County on the first Monday in October next, for an Assessor and Collector, who, before entering upon the duties of his office, shall take the same oath; and give bond and security, as other Assessors and Collectors are required to do, and also be entitled to receive the same fees for his services.

Repeal.

SEC. 3. *Be it further enacted*, That all laws and parts of laws conflicting with the true intent and meaning of this act, be and the same are hereby repealed.

[Passed the Senate, December 1, 1852. Passed the House of Representatives, December 8, 1852. Approved by the Governor, December 19, 1852.]

CHAPTER 560.—[No. 87.]

AN ACT in relation to a Road Tax in the Counties of Santa Rosa and Escambia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Judge of Probate and Board of County Commissioners of the Counties of Santa Rosa and Escambia, when assembled for County purposes, in the year one thousand eight hundred and fifty-three, and every year thereafter, shall have power to assess a Road Tax: *Provided,* The same shall in no instance exceed one dollar per annum for ever person subject to Road duty.

Road tax.

SEC. 2. *Be it further enacted,* That said Road Tax or so much thereof as may be necessary to keep the Roads and Bridges within said Counties in repair, shall, when occasion require it, be collected under the direction of the County Commissioners; and the person or persons appointed to collect the same, shall receive as compensation for his or their services, five per cent. upon the amount by him or them so collected.

Collection of.

SEC. 3. *Be it further enacted,* That any person shall have the right to commute his Road Tax by supplying laborers to work on said Roads or by his personal services as a laborer, at such amount per day as may be determined by the said County Commissioners, and the overseers of said Roads shall give certificates of the labor thus supplied, which shall be received by the Collector of the Road Tax in lieu of money thereof.

Commutation of

SEC. 4. *Be it further enacted,* That the Tax collected by this account shall be paid into the County Treasury and be subject to the order of the County Commissioners of said Counties, which Tax shall be applied exclusively to the making and repairing of Roads and Bridges, and the said Treasurer shall receive for his services, two per cent. for receiving and disbursing the same.

Application of tax.

SEC. 5. *Be it further enacted,* That the property of any citizen, or citizens of said Counties subject to Road duty shall be liable for said Tax, and the collector of the same may, upon the refusal of any person to pay his Road Tax, or to work upon said Roads, levy upon any property possessed by such person or persons in said Counties, or so much thereof as may be necessary, and proceed to sell, after giving public notice in the same manner, and under

Who subject to tax.

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the same regulations as are prescribed in cases for the collection of the State Tax.

Settlement
road.

SEC. 6. *Be it further enacted*, That whenever a petition shall be presented to the said Judge of Probate, and Board of County Commissioners, signed by three house-holders, inhabitants of the County, praying for the establishment of a neighborhood or settlement Road, from a certain place therein specified, it shall be the duty of the said Judge of Probate and Board of County Commissioners thereupon, if the petition shall appear reasonable, to appoint not less than two Commissioners to proceed as soon as may be convenient, to lay out said Road, and make return thereof under their hand to the Judge of Probate and Board of County Commissioners, noting the distance and courses as near as practicable of such proposed route, which return shall be filed in the office of the President of the Board of County Commissioners; and the applicants for the proposed route, together with as many other persons residing within the immediate vicinity of said route, as is thought proper by the Board of County Commissioners, shall be permitted by the County Commissioners to expend their Road Tax upon the same.

Repeal.

SEC. 7. *Be it further enacted*, That so much of the law now in force in this State in relation to Roads and highways, as conflicts with this act, shall be inoperative within the limits of Santa Rosa and Escambia Counties.

SEC. 8. *Be it further enacted*, That an act in relation to Roads in Escambia County, passed at the last session of the General Assembly, and approved January 23, 1851, be and the same is hereby repealed.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 27, 1852. Approved by the Governor, January 1, 1853.]

CHAPTER 561.—[No. 82.]

AN ACT to amend an Act entitled an Act giving to the Judge of Probate of Escambia and Hamilton Counties the powers of Justice of the Peace in certain cases.

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an act entitled an act giving to the Judge of Probate of Escambia and Hamilton Counties the powers of Justice of the Peace in certain cases, be so a-

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mended that the County of Nassau may enjoy the full benefit and privileges of the provisions of said act.

[Passed the Senate, December 15, 1852. Passed the House of Representatives, December 28, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 562.—[No 83.]

AN ACT to establish Election Precincts in the County of Putnam.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the the passage of this act, election precincts for the County of Putnam shall be and the same are hereby established at the following places in said County, to-wit :

Precinct number one; at the Court House in Palatka ;

Precinct number two, at the house of Henry Henderson, on the St. Johns River ;

Precinct number three, at the place known as the Revels place, at the House of James E. Green ;

Precinct number four; at the plantation House of A. H. Cole ;

Precinct number five, at the house of John Kirkland, near Orange Creek.

SEC. 2. *Be it further enacted,* That all elections hereafter to be holden in said County of Putnam, shall be held at the precincts aforesaid, under such rules and regulations as are prescribed by law for the holding of elections at other precincts in this State.

SEC. 3. *Be it further enacted,* That all laws or parts of laws, or other regulations in regard to the holding of elections in said County, be and the same are hereby repealed.

[Passed the House of Representatives, December 6, 1852. Passed the Senate, December 9, 1852. Approved by the Governor, December 14, 1852.]

CHAPTER 563.—[No. 84.]

AN ACT to change an Election Precinct in the County of Nassau.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, an election precinct in the County of Nassau known as Allbritton's precinct, be and the same is hereby abolished,

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and that in lieu thereof there shall be established a precinct at Geiger's Meeting House, near Drums Creek, to be styled the Drum's Creek precinct, at which place elections shall hereafter be held, under such rules and regulations as are provided for by law.

[Passed the Senate, December 15, 1852. Passed the House of Representatives, December 27, 1852. Approved by the Governor, January 1, 1853.]

CHAPTER 564.—[No. 85.]

AN ACT to permanently fix the Election precincts in the County of Columbia, and to repeal certain Acts therein named.

Elections,
where held.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter all elections (other than military elections) shall be held at the following places in Columbia County, viz: at the house of John Peoples (Benton,) at Alligator, at the lower Mineral Spring, at Columbus, at the Store of Nathaniel Bryan, (near Troy,) at the Carver place, at Sante Fee, at Providence, (on the Onalusthy) at Coleman's place (on the Onalusthy) at the Store of John Harvey, (on Cedar Creek,) at Johnsville on the middle prong of St. Mary's, and at the same places on New River at which elections are held at present, under such rules and regulations as are or may be provided by law for holding of elections.

Repeal.

SEC. 2. *Be it further enacted,* That An Act entitled an Act to make permanent the election precincts in the County of Columbia, and to provide for the transmission of the Poll Books to the Judge of Probate, approved January 1, 1847; and an Act, entitled an Act, to change certain precincts in Columbia County, approved January 10, 1849, be and they are hereby repealed.

[Passed the Senate, December 31, 1852. Passed the House of Representatives, January 8, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 565.—[No. 86.]

AN ACT relating to the distribution of the Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor be, and he is hereby authorized, to let out, to the lowest bidder, the trans-

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portation of the Laws, Journals, and other public documents, which are or may be required by law to be distributed throughout the State, after giving notice of the same in the Floridian and Journal, and in the Sentinel, each two insertions, of the time and place; and the person who gets the contract shall give bond to the satisfaction of the Governor: And the Laws, Journals, and [other] public documents shall be distributed by the first day of May, A. D. 1853, and the Comptroller shall issue his warrant for the payment of the same, out of the contingent fund, upon proof of the performance of the contract.

Laws, distribu-
tion of.

[Passed the House of Representatives, January 4, 1853. Passed the Senate, January 5, 1853. Approved by the Governor, January 7, 1853.]

CHAPTER 566.—[No. 87.]

AN ACT for the establishment of Free Bridges in the County of Escambia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That for the purpose of creating and establishing Free Bridges in the County of Escambia, the Board of County Commissioners of said County be and are hereby empowered to levy an additional tax of 25 per cent. upon the State tax: *Provided,* That before said tax be imposed, the Judge of Probate in and for said County shall order a vote of all the legal voters of the County to be taken, and if a majority should agree to the imposition of the tax, then, and in no other [case,] shall the tax be levied and collected.

Tax to be levied.

SEC. 2. *Be it further enacted,* That said tax be collected at the same time and in the same manner, subject to the same regulations and restrictions as are provided by law for the collection and payment of the State tax.

Collection of.

SEC. 3. *Be it further enacted,* That all laws and parts of laws inconsistent with this act, be and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, December 28, 1852. Approved by the Governor, December 31, 1852.]

CHAPTER 567.—[No. 88.]

AN ACT to build a Free Bridge across the Ocilla River.

SECTION 1. *Be it enacted by the Senate and House of*

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Free bridge.

Representatives of the State of Florida in General Assembly convened, That from and after the passage of this act, the citizens of Jefferson and Madison Counties are hereby authorized to build a Free Bridge across the Ocilla River, by private subscription, where the St. Augustine Road crosses said River: *Provided*, Said Bridge is built within twelve months after the passage of this act.

[Passed the House of Representatives, December 31, 1852. Passed the Senate, January 1, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 568.—[No. 89.]

AN ACT relating to the Assessment of Taxes for the County of Jackson.

Tax, maximum of. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the 1st day of January, 1854, it shall not be lawful for the County Commissioners of Jackson County to levy a Tax for County purposes, for any one year, to exceed fifty per centum on the amount assessed and raised in that County for State purposes: *Provided*, That nothing herein shall be construed so as to prevent the levying of a Tax for the use of Common Schools in Jackson County.

Repeal.

SEC. 2. *Be it further enacted*, That all laws or parts of laws conflicting with the true intent and meaning of this act, be and the same are hereby repealed.

[Passed the House of Representatives, December 20, 1852. Passed the Senate, December 30, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 569.—[No. 90.]

AN ACT to repeal an act to declare Spring Creek, commonly known as Robinson's Spring Creek, in Jackson County, a navigable stream, approved February 13, 1831.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Spring Creek shall be relieved from the operation of an act to declare Spring Creek, commonly known as Robinson's Spring Creek, in Jackson County, a navigable stream, approved February 13th, 1831, on the following conditions, to-wit: That any person or persons, who may place a mill dam, or any other obstruction across said Creek, shall be liable in an action at law for damages which may accrue therefrom to the rights or property of

others, and shall, in the event that any Barge or Boat shall be used above the place of such dam or obstruction for the purpose of transporting produce on said Creek, make a lock, or other way of passage through such dam.

[Passed the Senate, January 1, 1853. Passed the House of Representatives, January 5, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 570.—[No. 91.]

AN ACT declaring Crooked River in Franklin County a Navigable Stream.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the river situated in Franklin County and known by the name of Crooked River, be hereby declared and is hereafter to be recognised in law as a Navigable Stream. Navigable stream.

SEC. 2. *Be it further enacted,* That it shall not be lawful to erect any bridge or other impediment across said River, or to make any obstructions therein, by which the free navigation thereof may be obstructed and such bridge, impediments or obstructions are hereby declared common nuisances, and may be proceeded against and removed as such; and if any person or persons who shall raise, erect, or build any such bridge or impediment, he or they shall be liable for double the damages sustained by any person or persons by reason thereof: And shall also be liable to indictment for misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars: *Provided, however,* This Act shall not prevent the erection of any bridge, or other works, which shall not obstruct the free navigation of said river for boats drawing five feet water, or rafts of timber or lumber of every description whatever. Obstructions prohibited.
Damages.
Indictment.

[Passed the House of Representatives, December 11, 1852. Passed the Senate, December 14, 1852. Approved by the Governor, December 17, 1852.]

CHAPTER 571.—[No. 92.]

AN ACT to alter the Dividing Line between Santa Rosa and Walton Counties

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the dividing line between Santa Rosa and Walt Line, —

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Counties shall commence at the South beginning of the present line of Santa Rosa Island, thence running up said line until it strikes Yellow River, thence following the meanders of said River up to the dividing line between the State of Florida and the State of Alabama.

Division.

SEC. 2. *Be it further enacted*, That the above mentioned line be and is hereby declared the dividing line between the County of Santa Rosa and the County of Walton, and the same shall become a law after the passage of this act.

[Passed the House of Representatives, January 11, 1853. Passed the Senate, January 12, 1853. Approved by the Governor, January 14, 1853.]

CHAPTER 572.—[No. 93.]

AN ACT amendatory of an act entitled an act to establish and organize a Mayor's Court for the city of Apalachicola.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That so much of the act entitled an act establishing and organizing the Mayor's Court of the city of Apalachicola as prohibits appeals from being taken from said Court in a sum not less than twenty dollars, be and the same is hereby repealed; and that appeals in said Court shall be had in all and every case that may arise before said Court as is now provided for in Justices' Courts.

Fees.

SEC. 2. *Be it further enacted*, That so much of the second section of the law to which this is an amendment as allows the Mayor or Judge of said Court a fee of three dollars, be and the same is hereby repealed; and that said Mayor or Judge shall receive the same fees as are allowed Justices of the Peace of this State, and no more.

Clerk and Marshal.

SEC. 3. *Be it further enacted*, That the Clerk and Marshal of said Court shall receive the same fees as are now allowed to Clerks of the Circuit Court and Sheriffs of this State, and no more, and all laws to the contrary are hereby declared to be null and void.

Terms of Court.

SEC. 4. *Be it further enacted*, That the 10th section of said act, be and the same is hereby repealed; and in lieu thereof the Mayor or Judge of said Court shall hold his Court not oftener than twice a month as may be directed by the City Council in said city of Apalachicola: *Provided*, That at least five days notice shall be given to any defendant or defendants of the time and place of holding

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said Court, by summons as is now provided for by said law to which this is an amendment.

SEC. 5. *Be it further enacted*, That said Mayor or Judge shall have no jurisdiction in common law matters, and all laws conflicting with the provisions of this act to which it is an amendment, be and the same is hereby repealed. Jurisdiction.

[Passed the Senate, December 27, 1852. Passed the House of Representatives, December 29, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 573.—[No. 94.]

AN ACT in relation to the Clerk of the Circuit Court of Washington County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Clerk of the Circuit Court of Washington County have all the papers pertaining to his office at the Court House on the first day of the Circuit Court, and keep the same there during the term of each Court. Papers.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 27, 1852. Approved by the Governor, December 31, 1852.]

CHAPTER 574.—[No. 95.]

AN ACT to fix definitely the fees of Judge of Probate for the County of Columbia in a certain case therein specified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, the Judge of Probate for the County of Columbia shall receive the sum of ten (\$10,00) dollars as full compensation for performing all the services which are required of him by the election laws now in force, to be paid to him in the same manner as the law now directs. Fees

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting against the intent and meaning of this Act be and the same are hereby repealed. Repeal.

[Passed the Senate, December 22, 1852. Passed the House of Representatives, December 24, 1852. Approved by the Governor, January 5, 1853.]

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CHAPTER 575.—[No. 96.]

AN ACT to authorize Joseph T. Phelps to establish a Ferry across the Withlacoochee River.

Ferry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Joseph T. Phelps be and he is hereby authorized to establish a Ferry across the Withlacoochee River, at a place known as Fort Dade, on the Road leading from Ocala to Tampa.

Rates.

SEC. 2. *Be it further enacted*, That said Joseph T. Phelps, his heirs and assigns, shall at all times keep a good and sufficient Flat at said Ferry to cross loaded wagons and teams of all kinds, and he or they shall receive such rates of Ferriage as may be from time to time established by the Board of County Commissioners of Hernando County, and be subjected to the order of said Commissioners.

Grant, when
void

SEC. 3. *Be it further enacted*, That if the said Joseph T. Phelps shall fail to establish said Ferry within twelve months from the passage of this act, then the rights and privileges granted by this act are to be void.

[Passed the House of Representatives, December 30, 1852. Passed the Senate, January 3, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 579.—[No. 97.]

AN ACT to authorize certain persons to establish a ferry across the Ocochlocknee River.

Ferry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That William Germany and John W. Adams are hereby authorized to establish, and charged with the duty of keeping a Ferry across the Ocochlocknee River, running from the main land in the County of Wakulla, between Crooked and Sopchoppy Rivers over to St. James' Island, for and during the term of twenty years from the passage of this Act.

Rates.

SEC. 2. *Be it further enacted*, That the said William Germany and John W. Adams, their heirs and assigns, shall at all times keep, or cause to be kept, a good and sufficient Ferry boat to cross loaded wagons and teams, and they or their legal representatives, shall receive such rates of ferriage as may be established by the Board of County Commissioners of Wakulla County, and be sub-

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ject to the control of said Commissioners so far as they are empowered by law.

SEC. 3. *Be it further enacted*, That if the said William Germany and John W. Adams, their heirs or assigns, shall fail to establish the ferry within twelve months from the passage of this Act, then the rights and privileges granted by this Act are to be null and void.

Right, when
void.

SEC. 4. *Be it further enacted*, That this Act shall at any time hereafter be subject to be amended, modified or repealed by any future Legislature of the State of Florida.

Amendment.

[Passed the House of Representatives, December 27, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 577.—[No. 98.]

AN ACT to authorize Albert Ponsheer to establish a Ferry across the Suwannee River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Albert Ponsheer be and he is hereby authorized to establish a Ferry across the Suwannee River, at the lower Mineral Springs, Columbia County, for and during the term of six years, from and after the passage of this act.

Ferry.

SEC. 2. *Be it further enacted*, That the said Albert Ponsheer, his heirs and assigns, shall at all times keep a good and sufficient ferry boat, or flat, at all times to cross loaded wagons and teams, and he or they shall receive such rates of ferriage as shall or may be established by the Board of County Commissioners of Columbia County, and be subject to the orders of said Commissioners.

Rates.

SEC. 3. *Be it further enacted*, That if the said Albert Ponsheer shall fail to establish the ferry within six months from the passage of this act, then the rights and privileges granted by this act are null and void.

Right, when
void.

SEC. 4. *Be it further enacted*, That this act shall at any time hereafter be subject to be amended or modified or repealed by any future Legislature of the State of Florida.

Amendment.

[Passed the House of Representatives, December 15, 1852. Passed the Senate, December 20, 1852. Approved by the Governor, December 24, 1852.]

CHAPTER 578.—[No. 99.]

AN ACT authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing.

Ferry. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That George H. Tresper be and he is hereby authorized to establish a Ferry across the Suwannee River, at Clay Landing, for and during the term of six years from the passage of this act.

Rates. SEC. 2. *Be it further enacted,* That the said George H. Tresper shall at all times keep a good and sufficient Flat, or Ferry Boat, at said Ferry, to cross loaded wagons and teams, and he shall receive such rates of Ferriage as may be established from time to time by the County Commissioners of Levy County, and be subject to the orders of said Commissioners.

When ferry to be established. SEC. 3. *Be it further enacted,* That if the said George H. Tresper shall fail to establish a Ferry within two years from the passage of this act, then the rights and privileges granted by this [act] are to be void.

Amendment. SEC. 4. *Be it further enacted,* That this act shall at any time hereafter, be subject to be amended, modified, or repealed by any future Legislature of the State of Florida.

[Passed the House of Representatives December 13, 1852. Passed the Senate, December 16, 1852. Approved by the Governor, December 21, 1852.]

CHAPTER 579.—[No. 100.]

AN ACT to authorize Joseph A. Evritte to establish a Ferry across the Withlacoochee River.

Ferry. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Joseph A. Evritte, be and he is hereby authorized to establish, and charged with the duty of keeping a ferry across the Withlacoochee River, four miles above a place known as Fort Clinch, for and during the term of twenty years from the passage of this act.

Rates. SEC. 2. *Be it further enacted,* That the said Joseph A. Evritte, his heirs, and assigns, shall at all times keep a good and sufficient ferry boat at said ferry to cross loaded wagons and teams, and he or they shall receive such rates of ferriage as may be established from time to time by

the Board of County Commissioners of Marion County, and be subject to the orders of said Commissioners.

SEC. 3. *Be it further enacted*, That if the said Joseph A. Evritte shall fail to establish the ferry within twelve months from the passage of this Act, then the rights and privileges granted by this act are to be void. Ferry to be established, when.

SEC. 4. *Be it further enacted*, That this act shall at any time hereafter be subject to be amended, modified, or repealed by any future Legislature of the State of Florida. Amendment.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 8, 1853.]

CHAPTER 580.—[No. 101.]

AN ACT to authorize Joseph Robles, to build a bridge across the Hillsborough River, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Joseph Robles be, and he is hereby authorized to build a Toll Bridge, across the Hillsborough River, above what is commonly known as the Gage place, on the East side of said River. Bridge.

SEC. 2. *Be it further enacted*, That the County Commissioners of Hillsborough County, shall establish the rate of toll for crossing said Bridge, as soon as the same shall be built. Rate of toll.

SEC. 3. *Be it further enacted*, That said bridge shall be so constructed as not to interfere with the navigation of said River. Navigation.

[Passed the House of Representatives, January 12, 1853. Passed the Senate, January 13, 1853. Approved by the Governor, January 14, 1853.]

CHAPTER 581.—[No. 102.]

AN ACT authorizing Celestino Gonzalez to build a Wharf in the City of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Celestino Gonzalez be and he is hereby authorized and empowered to construct a Wharf at and from the termination of any street in the City of Pensacola: *Provided*, That the building of the same does not conflict with the existing rights of any individual or corporation. Wharf.

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Tolls.

SEC. 2. *Be it further enacted*, That the said Gonzalez shall have power to assess and collect tolls and rates of wharfage for the use of said Wharf, so far as may be consistent with the rights of the city of Pensacola to regulate such rates.

[Passed the House of Representatives, December 15, 1852. Passed the Senate, December 17, 1852. Approved by the Governor, December 21, 1852.]

CHAPTER 582.—[No. 103.]

AN ACT to authorize Angus Nicholson, a minor, to assume the management of his own estate, and to contract and be contracted with.

Management
of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Angus Nicholson be and he is hereby authorized and empowered to assume the management of his own estate.

Contract.

SEC. 2. *Be it further enacted*, That the said Angus Nicholson, be and he is hereby empowered to contract and be contracted with, and all contracts entered into by him after the passage of this act, and all agreements or other engagements, shall be as valid and binding in law, as if he had attained to the age of twenty-one years.

[Passed the House of Representatives, December 15, 1852. Passed the Senate, December 18, 1852. Approved by the Governor, December 24, 1852.]

CHAPTER 583.—[No. 104.]

AN ACT to authorize Richard H. Randolph of Gadsden County to assume the management of his own Estate.

Control of es-
tate, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Richard H. Randolph of Gadsden County, be, and he is hereby authorized to assume the control, and management of his own Estate, and that all contracts and agreements made hereafter by the said Richard H. Randolph be, and the same are hereby declared to be as binding upon him as the same would be were he of lawful age.

[Passed the House of Representatives, January 11, 1853. Passed the Senate January 12, 1853. Approved by the Governor, January 13, 1853.]

CHAPTER 584.—[No. 105.]

AN ACT to empower John Johnson, of Gadsden County, to manage his own estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, John Johnson shall be authorized to assume the management of his own estate. Management of estate, &c.

SEC. 2. *Be it further enacted,* That all contracts hereafter entered into by the aforesaid Johnson, shall be as binding in law and equity as if the said Johnson had attained to the age of twenty-one years.

[Passed the Senate, December 22, 1852. Passed the House of Representatives, December 30, 1852. Approved by the Governor, January 5, 1853.]

CHAPTER 585.—[No. 106.]

AN ACT to admit Claudius Stewart to practice Law in the several Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Claudius Stewart, notwithstanding his minority, may be admitted to practice as an Attorney and Counsellor at Law in this State: *Provided,* That the said Claudius Stewart shall first be examined and declared qualified therefor, by one of the Judges of the Circuit Court of this State, or such persons as he may appoint. Authority to practice law.

[Passed the House of Representatives, December 15, 1852. Passed the Senate, December 17, 1852. Approved by the Governor, December 21, 1852.]

CHAPTER 586.—[No. 107.]

AN ACT to legitimate Augustus W. Whitmire, Joseph C. Whitmire, Elizabeth Whitmire, and Margaret Whitmire, and to make them the heirs at law of Samuel C. Keyser, of the County of Santa Rosa, Florida, and to change their names.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, Augustus W. Whitmire, Joseph C. Whitmire, Elizabeth Whitmire, and Margaret Whitmire, be and they are hereby declared to be legitimate heirs of Samuel C. Key-

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Legitimation.

ser, to all intents and purposes, and in every respect, as though the said Augustus W. Whitmire, Joseph C. Whitmire, Elizabeth Whitmire, and Margaret Whitmire, had been begotten in lawful wedlock, and that the said Augustus, Joseph, Elizabeth, and Margaret Whitmire shall be able in all respects to inherit all the rights and privileges in law and equity, of the said Samuel C. Keyser, equal with and in the same manner that any of the lawful begotten childrer of the said Samuel C. Keyser could or would do, anything in law to the contrary notwithstanding: this act to take effect, and be in force from and after its passage.

Names chang'd

SEC. 2. *Be it further enacted*, That the names of Augustus W. Whitmire, Joseph C. Whitmire, Elizabeth Whitmire, and Margaret Whitmire, be and they are hereby changed to Augustus W. Keyser, Joseph C. Keyser, Elizabeth Keyser, and Margaret Keyser.

[Passed the House of Representatives, December 16, 1852. Passed the Senate, December 22, 1852. Approved by the Governor, December 28, 1852.]

CHAPTER 587.—[No. 108.]

AN ACT establishing the Names and Legitimizing James Henry and William D. Saunders.

WHEREAS, It is represented to this General Assembly that Henry G. Saunders, of the County of Jefferson and State of Florida, the father of James Henry and William D., by one Caroline Pitman, who are now illegitimate, desires an act legitimatizing and establishing the names of said James Henry and William D.: And whereas, This General Assembly considers it expedient to comply with the desires of said Henry G. Saunders: Therefore,

Names chang'd

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the said James Henry and William D. shall be known and called by the names of James Henry Saunders and William D. Saunders, and they are hereby declared legitimatized to all intents and purposes, the same as though born in lawful wedlock.

[Passed the House of Representatives, December 24, 1852. Passed the Senate, December 27, 1852. Approved by the Governor, December 31, 1852.]

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CHAPTER 588.—[No. 109.]

AN ACT to change the name of Victoria Baty to that of Victoria Bellows and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Victoria Baty be changed to that of Victoria Bellows, and that from and after the passage of this Act, the said Victoria Baty shall be acknowledged and known as Victoria Bellows. Name chang'd.

SEC. 3. *Be it further enacted,* That the said Victoria, be and she is hereby declared to be a legitimate heir of Henry C. Bellows to all intents and purposes, in every respect as though the said Victoria had been begotten in lawful wedlock by the said Henry C. Bellows, and she shall be able in all respects to inherit all the rights and privileges in law and equity of the said Henry C. Bellows, equal with, and in the same manner that any of the lawfully begotten children of the said Henry C. Bellows, or which may hereafter be lawfully begotten by the said Henry C. Bellows, could or would do, any thing in law or equity notwithstanding: this Act to take effect and be in force from and after its passage. Right as heir.

[Passed the House of Representatives, December 20, 1852. Passed the Senate, December 22, 1852. Approved by the Governor, January 7, 1853.]

CHAPTER 589.—[No. 110.]

AN ACT to change the name of Oliver Price to that of Oliver Delk, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Oliver Price be and is hereby changed to that of Oliver Delk. Name chang'd.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the said Oliver, heretofore known as Oliver Price, be and he is hereby declared the legitimate heir of William S. Delk, to all intents and purposes, the same as if he, the said Oliver, had been begotten by the said William S. Delk in lawful wedlock.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

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CHAPTER 590.—[No. 111.]

AN ACT to change the names of various persons therein specified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of James R. Branner be and the same is hereby changed to James R. Thomas; that the name of Catherine Smith be changed to that of Catherine Rowan; that the name of Julia Ellen Ladd be and the same is hereby changed to that of Julia Ellen Miller; that the name of Jane C. Osteen be and the same is hereby changed to that of Jane C. Chesser; that the name of Llewellyn John Walker be and the same is hereby changed to that of John Llewellyn Walker; that the name of James Alerson Aultman be and the same is hereby changed to that of James Alerson Cason; that the names of Charlotte, Nancy, Mesentha, Westley and Lockey Peterson be and the same are hereby changed to that of Moore, so that the said persons shall be known by the names of Charlotte, Nancy, Mesentha, Westley and Lockey Moore; that the names of Joseph McRobert Baker, Annie E. Baker, his wife, Mary Agnes Baker, Emma Paschal Baker, their children, be and the same are hereby changed to that of Joseph B. McRobert, Annie E. McRobert, Mary Agnes McRobert and Emma Paschal McRobert; that the name of Warren Canada Duval be and the same is hereby changed to that of Warren Canada Rouse; that the name of Lucinda Faircloth be and the same is hereby changed to that of Lucinda Read; that the name of Sarah Ann Filyau be and the same is hereby changed to that of Sarah Ann Blue; and said persons heretofore mentioned shall be no longer known by any other name than that conferred upon them by this act.

Names chang'd

Repeal.

SEC. 2. *Be it further enacted,* That the act passed December, 1850, changing the name of Robert Waterson to that of Robert W. Randall, be and the same is hereby repealed, and he shall hereafter be known by the name of Robert Waterson, as was originally his name.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 5, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 591.—[No. 112.]

AN ACT to change the name of Terrence Levy to Terrence Wimberly, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Terrence Levy be and the same is hereby changed to Terrence Wimberly, and he is hereby made an adopted son and heir at law of Isaac Wimberly of Jackson County. Name chang'd.

[Passed the Senate, December 3, 1852. Passed the House of Representatives January 8, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 592.—[No 113.]

AN ACT for the relief of William Crawford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Judge of Probate of Hernando County be empowered and he is hereby authorized to appoint some suitable person to take charge of the person of William Crawford, now a prisoner confined in the jail of said County, and conduct him to some Lunatic Asylum in one of the neighboring States, and to cause him to be placed under the control of the managers of such Asylum, who shall be furnished with a copy of this act, and requesting the managers of said institution to notify the Governor of this State when it shall appear he is of sound mind, and it shall be the duty of the Governor, upon receiving such information, to cause said William Crawford to be conducted back and delivered to the Sheriff of said Hernando County. Wm. Crawford

SEC. 2. *Be it further enacted,* That the person so appointed shall have power to sell all the property belonging to said prisoner, and after paying all just debts that may be proven due within two months after the passage of this act, shall devote the remainder of his estate to his maintainance in said Asylum, and conducting him to and from said Asylum. Custody of.

SEC. 3 *Be it further enacted,* That the person so appointed to take charge of the property of said William Crawford, shall give bond and security in a sufficient amount, to be approved of by the Judge of Probate of Hernando County, conditioned faithfully to apply the estate of Property of.

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the aforesaid prisoner to the objects contemplated in the foregoing sections of this act.

[Passed the Senate, January 1, 1853. Passed the House of Representatives, January 6, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 593.—[No. 114.]

ACT for the relief of Dr. J. W. Bozeman.

Account allowed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and he is hereby authorized to audit and allow the account of Dr. J. W. Bozeman for twenty-five dollars, for post mortem examination on the body of John F. Beckman.

[Passed the Senate, January 3, 1853. Passed the House of Representatives, January 5, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 594.—[No. 115.]

AN ACT supplementary to an Act for the relief of Dr. J. W. Bozeman, approved 8th day of January, 1853.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an act entitled an act for the relief of Dr. J. W. Bozeman, approved January 8, 1853, be and it is hereby repealed.

[Passed the Senate, January 12, 1853. Passed the House of Representatives, January 12, 1853. Approved by the Governor, January 13, 1853.]

CHAPTER 595.—[No. 116.]

AN ACT for the relief of Thomas B. Wynn.

Fractional section 9.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Thomas B. Wynn and his heirs shall have the exclusive right to become the purchaser of that portion of fractional Section nine, in Township three, Range one, North and East, containing some seventy-six acres, or thereabouts, now in his possession, and lying immediately adjacent and contiguous to his lands and plan-

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tation on Lake Imonia, in the County of Leon, at such price and on such terms as may be previously fixed by the State, according to law.

SEC. 2. *Be it further enacted*, That if the said Thomas B. Wynn, or his heirs, do not become the purchaser of said land at the price and on the terms prescribed in the manner above mentioned, within the space of ninety days after the same shall have been valued and brought into market, that then he and they shall forfeit the right granted in the foregoing section, and stand in no better position in relation thereto than they would have been had this act not have been passed.

Forfeiture.

[Passed the Senate, December 24, 1852. Passed the House of Representatives December 29, 1852. Approved by the Governor, January 5, 1852.]

CHAPTER 596.—[No. 117.]

AN ACT for the relief of Mrs. Harriet Powers of Columbia County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts be and he is hereby authorized to audit and allow the account of Mrs. Powers for the sum of six hundred and fifty dollars, and to issue his warrant on the Treasury for the payment of the same.

Account allowed.

[Passed the House of Representatives, December 15, 1852. Passed the Senate December 21, 1852. Approved by the Governor, December 28, 1852.]

CHAPTER 597.—[No. 118.]

AN ACT for the relief of William Garrison.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the sale made by the Register of the Land Office of this State, of the North-East quarter of the North-East quarter of Section twenty-three, Township twenty-two, Range nineteen, South and East, to William M. Garrison, at De Soto, in the County of Hernando, on the 26th day of May, 1852, be and the same is hereby vacated and set aside, and that the said William M. Garrison be and he is hereby permitted to take in lieu thereof the North-East quarter of the South-East quarter of Section

Sale vacated.

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Money, appli-
cation of.

twenty-three, Township twenty-two, Range nineteen, South and East, at its appraised value.

SEC. 2. *Be it further enacted*, That the money paid by the said William M. Garrison, as part payment for the land the sale of which is hereby vacated, shall be applied to the payment of the land that he is hereby permitted to take in lieu thereof, and that the said William M. Garrison shall give bond for the amount unpaid for said land, which shall be governed by the same rules as is now prescribed by law for the payment of the purchase money for public lands of this State.

Bonds, credit
on.

SEC. 3. *Be it further enacted*, That the Treasurer of this State be required to enter a credit upon the bonds of the said William M. Garrison for the amount of the instalments yet unpaid upon the land the sale of which is hereby vacated, and the Register is hereby required to make a deed of the land that the said William M. Garrison is hereby permitted to take, upon his paying its appraised value.

[Passed the House of Representatives, December 8, 1852. Passed the Senate, December 13, 1852. Approved by the Governor, December 17, 1852.]

CHAPTER 598.—[No. 119.]

AN ACT for the relief of Henry C. Wilson.

Sale of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Register of Public Lands of this State to sell to Henry C. Wilson the South half of North-West quarter and the North half of South-West quarter of Section eleven, Township seven, Range seventeen, South and East, at the price of one dollar and twenty-five cents per acre, on his making payment therefor within three months from the passage of this act; said sale to be made in the same manner as other sales of State lands.

[Passed the House of Representatives, December 13, 1852. Passed the Senate, December 16, 1852. Approved by the Governor, December 21, 1852.]

CHAPTER 599.—[No. 120.]

AN ACT for the relief of the Clerk of the Circuit Court of the County of Holmes.

SECTION 1. *Be it enacted by the Senate and House of*

Representatives of the State of Florida in General Assembly convened, That from and after the passage of this act, it shall be lawful for the Clerk of the Circuit Court in and for the County of Holmes to hold his office and exercise the duties thereof in any place in Holmes County; but the said Clerk shall be required to be at the Court House on the morning of the day fixed by law for holding the Circuit Court; also to have the books, and all papers relating to business in said Court, at the Court House on the day of holding the Circuit Court in and for the said County of Holmes.

Clerk's office.

SEC. 2. *Be it further enacted*, That all acts or parts of acts conflicting with the true intent and meaning of this act, be and they are hereby repealed.

Repeal.

[Passed the House of Representatives, December 6, 1852. Passed the Senate, December 14, 1852. Approved by the Governor, December 17, 1852.]

CHAPTER 600.—[No. 121.]

AN ACT for the relief of George W. Andrews, William W. Leggett, and Ashley Braswell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Register of Public Lands to permit George W. Andrews to purchase the East half of North-East quarter, Section three, Township twenty-one, Range nineteen, South and East, at the price of one dollar and twenty-five cents per acre; and the said Ashley Braswell to purchase the East half of the South East quarter of Section eight, Township twenty-one, Range nineteen, at the price of one-dollar and twenty-five cents per acre.

Privilege to purchase certain lands.

SEC. 2. *Be it further enacted*, [That] whenever the State shall obtain title to the South-East quarter of the South-West quarter of Section nine, in Township twenty-one, Range nineteen, South and East, the Register of State Lands shall permit William W. Leggett to purchase the same at one dollar and twenty-five cents per acre, under the regulations now prescribed by law.

[Passed the House of Representatives, January 4 1853. Passed the Senate, January 6, 1853. Approved by the Governor, January 8, 1853.]

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CHAPTER 601.—[No. 122.]

AN ACT for the relief of George W. Phillips.

Right of purchase.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That George W. Phillips and his heirs shall have the exclusive right to become the purchaser of that portion of fractional Section twelve, in Township three of Range one, North and East, containing two hundred and fifty-four 25-100 acres, or thereabouts, now in his possession, lying immediately adjacent and contiguous to his lands and plantation, on Lake Iamonia, in the County of Leon, at such price and [on] such terms as may be previously fixed by the State, according to law.

Forfeiture.

SEC. 2. *Be it further enacted*, That if the said George W. Phillips, or his heirs, do not become the purchaser of said land at the price and on the terms prescribed in the manner above mentioned, within the space of ninety days after the same shall have been valued and brought into market, that then he and they shall forfeit the right granted in the foregoing section, and stand in no better position in relation thereto than he or they would have been had this act not have been passed.

[Passed the Senate, January 12, 1853. Passed the House of Representatives January 13, 1853. Approved by the Governor, January 14, 1853.]

CHAPTER 602.—[No. 123.]

AN ACT for the relief of Dr. James L. Shields.

Account allowed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller be and he is hereby instructed to audit and allow the account of Dr. James L. Shields for the sum of seventy-six dollars for post mortem examination on the body of John White, mileage, detention, expenses, &c, also for the sum of fifty dollars for medical and surgical services rendered to a prisoner in the Jail of Gadsden County about the first of March, A. D. 1851.

[Passed the House of Representatives, January 3, 1853. Passed the Senate January 6, 1853. Approved by the Governor, January 8, 1853.]

1852.

CHAPTER 603.—[No. 124.]

AN ACT for the relief of Stephen Hollingsworth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the administrator *de bonis non* of the estate of Felix Ortis, late of Hillsborough County, deceased, be and he is hereby required, after paying all the expenses of said administration, to allow and pay the accounts of Stephen Hollingsworth against said estate out of any moneys or effects of the same, and it shall be the duty of the Judge of Probate of said County to receive said accounts as proper vouchers of said administrator *de bonis non*. Accounts allowed.

[Passed the House of Representatives, January 7, 1853. Passed the Senate, January 8, 1853. Approved by the Governor, January 10, 1853.]

CHAPTER 604.—[No. 125.]

AN ACT for the relief of John B. Allen.

WHEREAS, John B. Allen purchased of the Register of Public Lands of this State forty acres of land, it being South West quarter of the North West quarter, Section twenty-four, Township twenty-one, Range nineteen, South and East, at one dollar and twenty-five cents per acre, And whereas, As there appears to have been a mistake in the numbers and that the said John B. Allen did not get the Land he intended to purchase but a different piece or tract which to him will be useless as he purchased said land for his own use and not for speculation: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Register be instructed and he is hereby authorized and required by this Act to refund and pay back to the said John B. Allen the sum or amount of money received from him for the aforesaid forty acres of land when he the said John B. Allen shall reconvey the said forty acres of land to the State of Florida. Money refunded.

[Passed the Senate, December 13, 1852. Passed the House of Representatives, December 21, 1852. Approved by the Governor, December 29, 1852.]

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CHAPTER 605.—[No. 126.]

AN ACT for the relief of James Brown and William Gainer, Sr.

WHEREAS, West S. Winfrey was indicted at the Spring Term of the Circuit Court held in Washington County, 1851, for Bull stealing, and gave bond for his appearance at the ensuing Term of the Court, with James Brown and William Gainer, Sr., in the sum of two hundred dollars : And whereas, the said Winfrey has since absconded from the State, and the said Brown and Gainer are held liable to pay said bond : And whereas, it is considered that the flight of said Winfrey from the State is regarded as a sufficient satisfaction of the violated laws of the State : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the bond of two hundred dollars, executed in favor of the Governor of Florida, by West S. Winfrey, James Brown, and William Gainer, Sr., conditioned for the appearance of the said W. S. Winfrey, at the Spring Term, 1851, of the Circuit Court for Washington County, be and the same is hereby released, so far as relates to the said Brown and Gainer, and they are hereby discharged and acquitted from payment of the same.

Discharge.

[Passed the Senate, December 22, 1852. Passed the House of Representatives, January 1, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 606.—[No. 127.]

AN ACT for the relief of the South-Western portion of Gadsden County.

Relief of certain persons from jury duty, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, the Citizens, residing in the Southwestern portion of Gadsden County, to-wit : Commencing at Rock Bluff on the Apalachicola River, taking the Federal Road to mule Creek, from thence down said creek to Talogey, from thence down said creek to the Ockolockey River, from thence down said river to the new line established last Session of the General Assembly between the Counties of Gadsden and Franklin, from thence along said line to the Apalachicola River, from thence up said River to Rock Bluff.

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All persons residing within the above described boundary shall not be compelled to serve the Circuit Court when held for the county of Gadsden as Jurors, nor to attend the said Court as witnesses except in criminal cases; their testimony shall be taken as though they were occupying a separate and distinct County: *Provided*, nothing in this Act shall be so construed as to prevent persons residing within the above described boundary, from suing and being sued in said Court.

[Passed the Senate, December 29, 1852. Passed the House of Representatives, January 3, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 607.—[No. 128.]

AN ACT for the relief of William R. Hayward.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the sum of two hundred dollars be and is hereby appropriated in full satisfaction of the services performed by William R. Hayward as receiver of moneys for lands sold by the Register of Public Lands. Appropriation.

SEC. 2. *Be it further enacted*, That the Comptroller is hereby authorized and directed to issue a warrant on the Treasurer for the above amount in favor of William R. Hayward, and the Treasurer is hereby directed to pay the same out of the Seminary, Internal Improvement, and School Funds; each of said Funds to bear its just proportion of said amount. Warrant.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 6, 1853. Approved by the Governor, January 8, 1853.]

CHAPTER 608.—[No. 129.]

AN ACT for the relief of John Clarke.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Treasurer of this State be and he is hereby authorized and required to refund to John Clarke fifteen dollars, the same having been wrongfully collected from him in Gadsden County, in 1851. Money refunded.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 6, 1853. Approved by the Governor, January 8, 1853.]

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CHAPTER 609.—[No. 130.]

AN ACT for the relief of Eliza A. Bruce.

WHEREAS, Eliza A. Bruce purchased of the late James Barry, Sheriff of Leon County, and *ex officio* administrator of Daniel Diltz, deceased, the North East quarter of Section thirty-two, in Township one of Range one, North and West, containing one hundred and sixty 56-100 acres, for the sum of two hundred and sixty dollars: And whereas, on the 29th December, 1845, said Eliza A. Bruce paid to said Barry the sum of two hundred dollars, taking his receipt therefor: And whereas, no title to said land was made by said Barry to said Eliza A. Bruce, and the only evidence of said purchase consists of said receipt: And whereas, the said Daniel Diltz, having no heirs, his estate escheated under the laws of force at his death: And whereas, said land was sold under an order of the County Court of late Territory of Florida,

Conveyance.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Sheriff of Leon County, be and he is hereby authorized and directed to convey as *ex officio* administrator of the estate of Daniel Diltz, deceased, to Eliza A. Bruce, the North East quarter of Section thirty-two, in Township one of Range one, North and West, on the payment to him of the sum of sixty dollars, with six per cent. interest from the 29th day of December, A. D. 1845, being the balance due on the purchase of said land by said Eliza A. Bruce: *Provided,* That the Judge of Probate of Leon County shall make an order directing the said deed of conveyance to be made.

[Passed the House of Representatives, January 5, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January 8, 1853.]

RESOLUTIONS

PASSED AT THE SIXTH SESSION OF THE GENERAL ASSEMBLY.

1852-'53.

[No. 1.]

Resolution asking of Congress the reduction of the Price of Public Lands in this State.

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Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our members in Congress be requested to use their best exertions to procure the passage of a law reducing the price of all public lands in this State which have been offered for sale for ten years. Price of land.

Be it further resolved, That a copy of these resolutions, properly authenticated, be forwarded to our Senators and member of the House of Representative in Congress.

[Passed the House of Representatives, December 27, 1852. Passed the Senate, December 29, 1852. Approved by the Governor, January 8, 1853.]

[No. 2.]

Resolution urging upon Congress to order the sale of lands reserved from sale by An Act of Congress of the United States approved April 22, 1826, situated and bordering upon the waters of the Pensacola Bay, and more especially the public land contiguous to the Navy Yard, upon which a large number of citizens connected with and employed in the public works are now residing.

WHEREAS, In the opinion of this Assembly, the said reservation embraces a larger quantity of land than is necessary or desirable for the use of said Navy Yard: and whereas, a large population resident about said yard, and located upon said reserve, with a view of convenience Preamble.

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to their employment, and who have no other place to make their residence but upon said land, by the permission of the Commanding Officer and subject at all times to be removed from their houses, which is a condition incompatible with the freedom of an American citizen, as well as subjecting them to the loss of the value of the improvements which they are necessarily compelled to make to afford them temporary accommodations, they are desirous, that the said lands should be made subject to sale, that they may acquire the independence and comfort of home for themselves and families: Therefore,

Reservation at
Pensacola.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to procure the passage of a law setting aside said reservation, except to such extent as may be necessary and proper for the use of said yard and public work; and to this end that the appointment of a commissioner or commissioners be authorized, whose duty it shall be to examine said reservation, and to designate what portion thereof might without detriment to said yard and public works, and with most convenience to the people thereabouts, be rendered subject to sale or location; the said law to be framed in such manner and with such provisions as said Senators and Representative may deem best to accomplish the purpose desired.

Be it further resolved, That a copy hereof be transmitted by the Secretary of State, as early as possible, to our said Senators and Representative in Congress.

[Passed the Senate, December 22, 1852. Passed the House of Representatives, December 29, 1852. Approved by the Governor, January 8, 1853.]

[No. 3.]

Resolution relative to the Overflowed Lands of St. Lucie County.

Draining.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That it shall be the duty of the State Engineer and Geologist of this State forthwith to examine and report to his Excellency, the Governor of this State, upon the practicability of draining the submerged lands in the rear of St. Lucie Sound, commonly known as the main Savannah in said County of St. Lucie.

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Be it further resolved, That the sum of three thousand dollars, to be paid out of any moneys now or that may hereafter be in the Treasury of this State, arising from the sale of the Swamp and Overflowed Lands belonging to said State, be and the same are hereby appropriated for the object contemplated in the foregoing resolution. Appropriation.

Be it further resolved, That said appropriation shall, upon application of said State Engineer to his Excellency, the Governor, be paid over by the officer having in his hands said Funds, and upon the warrant of said Governor to that effect, and upon said officer, for the purpose of said improvement. Warrant.

Be it further resolved, That the improvement shall be made, if deemed necessary and proper by said Engineer, and under his order and direction, and the said Engineer shall report his proceedings therein, as by law directed. Report.

[Passed the House of Representatives, January 14, 1853. Passed the Senate, January 14, 1853. Approved by the Governor, January 14, 1853.]

[No. 4.]

Resolution requesting the Governor of this State to cause the State Engineer to examine and report the cost and practicability of connecting the St. Johns and Indian Rivers by a navigable Canal.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State be and he is hereby requested to cause the State Engineer to survey and estimate the cost and practicability of connecting the waters of the St. Johns and Indian rivers, by a navigable canal, for the information of the next General Assembly of this State. Survey.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

[No. 5.]

Resolution asking Congress to grant a quarter section of land to the County of Levy, to establish a County Site thereon.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested to urge upon Congress the Grant.

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passage of a law granting to the County of Levy, in this State, a quarter section of land, for the purpose of establishing a County Site, to be located in such place as may hereafter be fixed upon by the Board of County Commissioners of said County.

Be it further resolved, That His Excellency the Governor be and he is hereby requested to forward a copy of the above resolution to each of our Senators, and to our Representative in Congress.

[Passed the House of Representatives December 2, 1852. Passed the Senate, December 6, 1852. Approved by the Governor, December 9, 1852.]

[No. 6.]

Preamble and Resolution asking of Congress the grant of a Quarter Section of Land to the County of Wakulla.

WHEREAS, The body of land commonly known as Forbes' Purchase covers nearly the whole of the County of Wakulla, so that there is no public land of the United States in a suitable place in said County of which a grant could be made or located: Therefore,

Wakulla, grant
of land to.

Be it resolved, That the Representative and Senators in Congress from this State be requested to use their best endeavors to obtain the passage of a law granting to the County of Wakulla, in this State, a quarter section of land, to be located under the direction of the County Commissioners of said County, upon any undisposed of lands of the United States, for the purpose of enabling the people of said County to purchase a County Site, and build thereon a Court House for said County; and his Excellency, the Governor, is requested to cause a copy of this preamble and resolution to be sent to our Senators and Representative in Congress.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, December 27, 1852. Approved by the Governor, December 31, 1852.]

[No. 7.]

Resolution asking Congress the grant of a Quarter Section of Land to the County of Sumpter.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress

be, and they are hereby requested, to use their best exertions to procure the passage of an Act, or resolution, by Congress granting to the County of Sumpter one hundred and sixty acres of land, for the purpose of building a Court House in said County.

Be it further resolved, That a copy of the foregoing resolution, after being duly authenticated, be forwarded by the Secretary of State, of this State, to each of our Senators, and one to our Representative in Congress.

[Passed the House of Representatives, January 3, 1853. Passed the Senate, January 6, 1853. Approved by the Governor, January 8, 1853.]

[No. 8.]

Preamble and Resolution relative to Shoal River.

WHEREAS, Great and serious injury has and will result to the interests of this State as well as to the interests of commerce and navigation of the country, for want of obstructions being removed in Shoal River: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to use their utmost endeavors to obtain from the Congress of the United States at its present session an appropriation of three thousand dollars to remove the obstructions in the navigation of Shoal River, to commence at Word's Ferry and follow said river to its junction with Yellow River.

Grant to Sumpter county.

Be it further resolved, That a copy of these resolutions properly authenticated be forwarded to our members in Congress.

[Passed the House of Representatives, January 7, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January 10, 1853.]

[No. 9.]

Preamble and Resolution relative to Yellow River.

WHEREAS, A great portion of the citizens of Walton and Santa Rosa Counties are laboring under great disadvantages, and serious injuries have and will result to the interest of the State, as well as the interest of commerce, and the citizens of that portion of the county, for want

Obstructions in Yellow River.

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of obstructions being removed in Yellow River : Therefore,

Appropriation.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to use their utmost endeavors to obtain from Congress of the United States, at its present session, an appropriation of five thousand dollars to remove the obstructions in the navigation of Yellow River, to commence at the Alabama line and follow said river down to its entrance in the Bay.

Be it further resolved, That his Excellency, the Governor, be and he is hereby requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representative in Congress.

[Passed the Senate, January 5, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

[No. 10.]

Resolution asking an appropriation by Congress for the purpose of removing obstructions at the Bar of Volusia on Lake George.

Obstructions
bar of Volusia.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested to urge upon Congress the appropriation by that body of two thousand five hundred dollars, for the purpose of removing obstructions at the Bar of Volusia on Lake George.

Be it further resolved, That his Excellency, the Governor, be and he is hereby requested to forward a copy of the foregoing resolution to each of our Senators, and to our Representative in Congress.

[Passed the House of Representatives, December 11, 1852. Passed the Senate, December 16, 1852. Approved by the Governor, December 21, 1852.]

[No. 11.]

Resolution urging upon Congress the necessity of clearing out the Ocklawaha River.

WHEREAS, By an act of Congress entitled an act for the completion of certain improvements in Florida, approved February 27, 1835, an appropriation of ten thousand

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dollars was made for clearing out the Ocklawaha River from the St. John's to Glassall's Spring, near Camp King: And whereas, Under the provisions of said act, materials were procured, and Officers, Engineers, &c., appointed to carry out the same: And whereas, Said Officers and Engineers proceeded to said River and commenced said work, as required in said act, and were in a fair way to complete the same: And whereas, Said Officers, after working a short time thereon, were compelled to abandon the same, owing to the hostility of and danger arising from the Seminole Indians, with whom we were then at war: And whereas, Said work could not be prosecuted for many years, on account of said Indian hostilities, and thereby, upon the Territory of Florida becoming a State, said act of appropriation was, by construction, deemed not to apply to a State, and was therefore void, and said improvement could not be prosecuted and completed: And whereas, The clearing out and improvement of said River would prove of immense value to the interests and commerce of this State: Therefore,

Ocklawaha
River.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to urge upon Congress the necessity and expediency of an appropriation for the purpose of clearing out said River, as presented in the act above mentioned.

Appropriation
for clearing
out.

Be it further resolved, That his Excellency, the Governor, be and he is hereby requested to cause to be forwarded to our Senators and Representative in Congress a copy of this resolution.

[Passed the House of Representatives, December 31, 1852. Passed the Senate, January 1, 1853. Approved by the Governor, January 7, 1853.]

[No. 12.]

Resolutions asking that Palatka be made a Port of Delivery.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested to use their influence to have the town of Palatka, on the St. Johns River, made a Port of Delivery.

Port of delivery.

Be it further resolved, That the Governor of this State

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do forward to our said Senators, and Representative, a copy of these resolutions.

[Passed the House of Representatives, January 13, 1853. Passed the Senate, January 13, 1853. Approved by the Governor, January 14, 1853.]

[No. 13.]

Resolution in relation to the establishment of Port of Delivery at Bayport.

WHEREAS, Bayport, on the Gulf of Mexico, in the County of Hernando, possesses great advantage for facilitating the commerce of that section of the State: And whereas, It is the desire of the people thereabout to have said Port opened, that the trade, industry and productions of said section may receive such encouragement as commercial facilities can give, [and] as their increasing importance demands: Therefore,

Bayport.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Representative be requested and our Senators instructed to use their utmost endeavors and influence to procure the passage of a Law declaring and establishing said Bayport, a Port of Delivery, and that a copy hereof be transmitted by the Governor of this State to said Representative and Senators in Congress immediately after the passage of this resolution.

[Passed the House of Representatives, December 13, 1852. Passed the Senate, December 16, 1852. Approved by the Governor, December 21, 1852.]

[No. 14.]

Resolution in relation to a Light House on Sea Horse Key.

WHEREAS, Congress having made an appropriation for the building of a Light House on Sea Horse Key: And whereas, the commercial interest of the country is suffering from the want of said Light House,

Light House.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested to urge upon the Secretary of the Treasury, the speedy erection of said Light House.

[Passed the Senate, December 23, 1852. Passed the House of Representatives, December 24, 1852. Approved by the Governor, January 5, 1853.]

[No. 15.]

Resolution relative to the Seminole Indians.

WHEREAS, There is positive evidence before the people of Florida that solemn treaties hath heretofore been entered into between the Seminole Indians and the Federal Government: And whereas, The people of Florida have waited with patience and forbearance, daily and monthly expecting the removal of said Indians: And whereas, Said Indians are still occupying the best and fairest portion of our State, defying all powers, and refusing to comply with their solemn treaty obligations, thus obstructing the growth and prosperity of the State: And whereas, The lives and property of the citizens on the frontier are daily subject to be destroyed by these desperate and lawless Indians: And whereas, In the opinion of the present Legislature assembled, forbearance ceases to be a virtue,

Preamble.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to inform the President of the United States that the State of Florida is bound, in justice to her citizens, as a sovereign State, to enforce her rights under the treaty of Payne's Landing, by expelling the Seminole Indians.

Treaty of
Payne's Land-
ing.

Be it further resolved, That his Excellency, the Governor be and he is hereby requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representative in Congress.

[Passed the Senate, January 11, 1853 Passed the House of Representatives, January 12, 1853. Approved by the Governor, January 14, 1853.]

[No. 16.]

Resolution asking Congress to allow the Public Arms of Florida to be kept and preserved in the United States Arsenal located in Gadsden County, Florida.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to use their exertions to procure from the Government of the United States the privilege of depositing and preserving the Public Arms of this State

Public arms.

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in the Arsenal belonging to the United States, located in Gadsden County, near the junction of the Chattahoochee and Flint Rivers.

[Passed the Senate, January 8, 1853. Passed the House of Representatives, January 8, 1853. Approved by the Governor, January 8, 1853.]

[No 17.]

Resolution asking Congress the passage of a Mail Route to the States bordering on the Pacific, across the Isthmus of Tehuantepec.

WHEREAS, The establishment of a route to California and Oregon, across the Isthmus of Tehuantepec, is demanded by every interest connected with the commerce of the Pacific: And whereas, By the establishment of such route Florida will be brought in the direct line of communication between the States of the Atlantic and the Pacific: And whereas, In that event capitalists would find it to their advantage to invest their means in the construction of a Railroad in this State connecting the waters of the Atlantic and the Gulf of Mexico: And whereas, The construction of such a Road would afford great advantages to the people, and would tend to develop the resources of the State,

Mail Route.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to use their utmost exertions to procure the establishment of a mail route to the States bordering on the Pacific, across the Isthmus of Tehuantepec.

Be it further resolved, That his Excellency, the Governor, be and he is hereby requested to cause a copy of the foregoing preamble and resolution to be transmitted to our Senators and Representative in Congress.

[Passed the Senate, January 5, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

[No. 18.]

Resolution asking an appropriation from Congress for the establishment of a Tri-Weekly Mail, &c., for the City of Apalachicola.

WHEREAS, The City of Apalachicola, from her commercial advantages, ranks among the first commercial cit-

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ies on the Gulf of Mexico: And whereas, also, Her commercial importance could be greatly enhanced by an increase of mail facilities: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative be requested to use their best endeavors to procure the establishment of a Tri-Weekly Mail from the 1st October to 1st of June, and a Bi-Weekly Mail from the 1st of June to the first of October, of each and every year, from the City of Apalachicola, Florida, to Bainbridge, in the State of Georgia.

Tri-weekly
mail.

Be it further resolved, That a copy of this preamble and resolution be forwarded to our Senators and Representative in Congress.

[Passed the House of Representatives, December 29, 1852. Passed the Senate December 30, 1852. Approved by the Governor, January 8, 1853.]

[No. 19.]

Preamble and Resolution asking a change of Mail Route between Tampa and Fort Mellon, and asking that a new Mail Route be established between the Town of Tampa and Old Tampa Bay.

WHEREAS, A large portion of the citizens of Hillsborough County, of this State, who have settled upon the Alafia River, are compelled to travel a distance of from twenty to thirty miles, the nearest Post Office to them: And whereas, The mail route from Tampa to Fort Mellon can be changed, and not add more than ten or fifteen miles to the distance between said points, and thereby afford mail facilities to this portion of said County: And whereas, also, A large number of the citizens of said County, who have settled upon what is called the Neck of Old Tampa Bay, some forty miles from Tampa, the nearest Post Office to them, and almost totally deprived of mail privileges, on account of the distance to the nearest Post Office, difficulty, in the rainy season, in travelling by land, and unfrequent water communication: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to urge upon the Post Master General of the United States the policy of so altering the present mail route between Tampa and Fort Mellon as

Mail route, al-
teration of.

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to run by the store of Thomas P. Kennedy, on the Alafia River, to Jacob Summerlin's, the nearest Post Office at Tampa between said points, and to establish a Post Office at said store; and also to urge upon the same functionary the great necessity of establishing a mail route, to be carried by water, from the town of Tampa to old Tampa Bay, and the establishment of a Post Office at the residence of Odet Phillippi.

Be it further resolved, That the Secretary of the State immediately send to our Senators and Representative in Congress a copy of these resolutions.

[Passed the House of Representatives, December 6, 1852. Passed the Senate, December 7, 1852. Approved by the Governor, December 14, 1852.]

[No. 20.]

Resolution in relation to a Mail Route from Madison Court House to Clay Landing in Levy County.

WHEREAS, There are a portion of the citizens of Madison, Columbia, Alachua, and Levy Counties, suffering great inconvenience in regard to the present mail arrangements, having to travel a distance of thirty to forty miles for their letters, papers, &c: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress use their influence with the Post Master General to procure a mail route, commencing at Madison Court House, via Charles' Mill, and to Charles' Ferry, on the Suwannee River, thence to New Boston in Columbia County, thence by the most convenient route to Clay Landing in Levy County, where it will intersect the Cedar Key route.

[Passed the House of Representatives, December 6, 1852. Passed the Senate, December 8, 1852. Approved by the Governor, December 14, 1852.]

[No. 21.]

Resolution in relation to the establishment of a Mail Route from Thomasville, in Georgia, to Alligator, in Columbia County.

WHEREAS, A large number of the citizens of the Counties of Jefferson, Madison, and Hamilton, in this State, are laboring under serious inconvenience, by reason of the present arrangement for carrying the Northern Mail,

Post route.

1852.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to use their best exertions to procure the passage of a law establishing a Semi-Weekly post route from Thomasville, Georgia, via Monticello and Aucilla, in Jefferson County, Clifton and Cherry Lake, in Madison County, Bellville, Jennings, Jasper and White Spring, in Hamilton County, to Alligator, in Columbia County, there connecting with the route already established from Tallahassee to Jacksonville.

Semi-weekly
mail.

[Passed the Senate, December 16, 1852. Passed the House of Representatives, December 22, 1852. Approved by the Governor, December 31, 1852.]

[No. 22.]

Resolution asking an appropriation from Congress for erecting a Marine Hospital at Apalachicola.

WHEREAS, The city of Apalachicola, from her commercial advantages, is enabled to rank among the first commercial cities on the Gulf of Mexico: And whereas, The Congress of the United States have made appropriations and erected marine hospitals for the support of sick and disabled American seamen, in all the principal seaports of the United States: And whereas, The shipping has increased within the last year to a great extent, and the great number of sick and disabled seamen having increased in proportion to the shipping, justly entitles her to ask of Congress an appropriation of ten thousand dollars for the erection of a marine hospital, to be located upon some eligible position on the Bay of Apalachicola:

Hospital.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative requested to use their exertions to procure the aforesaid appropriation for the purposes aforesaid.

Be it further resolved, That a copy of this preamble and resolutions be forwarded to our Senators and Representative in Congress.

[Passed the Senate, December 21, 1852. Passed the House of Representatives December 26, 1852. Approved by the Governor, January 5, 1853.]

RESOLUTIONS.

[No. 23.]

Resolution in regard to the establishment of a Land Office at Tampa.

Tampa, Land
Office at.

WHEREAS, A large portion of the unsold lands belonging to the United States are located in South Florida, and the citizens of that country are subject to great expense and trouble in going to Newnansville, a distance of one hundred and fifty to two hundred miles to enter those lands,

Be it therefore resolved, That our Senators in Congress be instructed and our Representative be requested to use their best efforts for the passage of an act to establish a Land Office in the town of Tampa, in Hillsborough County.

[Passed the Senate, December 6, 1852. Passed the House of Representatives December 10, 1852. Approved by the Governor, December 17, 1852.]

[No. 24.]

Joint Resolutions authorizing and providing for Exchange of Legislative Documents, and for other purposes.

! Documents,
description of.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Secretary of State, under the direction of the Governor, be authorized to exchange bound copies of the Laws and Legislative Documents of the State for the present political year, and for as many previous years as practicable, and the Reports of the Decisions of the Supreme Court of this State, not exceeding twelve volumes each, and a number not exceeding twelve copies of Thompson's Digest of the Statutes of Florida, and of Thompson's Compilation of the British Statutes in force in this State, for Books, and other works of Science and Art, from Foreign Countries, to be deposited in the State Library; and the Secretary of State is hereby authorized to cause a number, not exceeding fifty copies over and above the number required by law, of each of said Documents for any future year, to be printed and bound in volumes, and set apart for the purpose of effecting the aforesaid exchanges.

Agent.

Be it further resolved, That his Excellency, the Governor, be authorized to appoint some suitable person, residing in Europe, to be Agent of the State in affecting said exchanges, and to audit and allow the reasonable charges of

such Agent for the receiving, packing, carriage, and transportation of said objects of exchange, to be paid by warrant drawn on the Treasury: *Provided*, That the total sum so expended shall not exceed one hundred dollars for the present and two hundred dollars for each subsequent year.

Resolved further, That the Governor be authorized to forward to such Agent in Foreign Countries all such Specimens of Natural History, Geology, Conchology, Botany, and preserved Animals, Insects, Vegetables, Timber, Stones, Earths, Shells, &c., as are peculiar to this State, as may be deposited with him for that purpose, with instructions to such Agent to exchange the same to the best advantage for such Books, Maps, Prints, and other Documents, as such Agent may be able to procure therefor.

Duty of.

[Passed the House of Representatives, January 8, 1853. Passed the Senate, January 8, 1853. Approved by the Governor, January 10, 1853.]

[No. 25.]

Resolution in relation to the Early History of Florida.

WHEREAS, It is known that there are in existence, in the public archives of Cuba, some original manuscripts relative to early expeditions of the Spaniards in Florida, which manuscripts would, if translated, it is believed, tend much to elucidate the mystery which envelopes the early history of this State, and would add materially to our knowledge of the early history not only of this State but of many other of the Southern States: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State be requested to transmit this resolution to our delegation in Congress, with the request that they lay it before Congress, and use their best exertions to induce that honorable body to send a suitable Agent to examine the archives, with the permission of the Spanish Government, and copy all manuscripts which contain matters relative to the early history of Florida, or any other of the United States.

Florida, early history of.

[Passed the House of Representatives, January 7, 1853. Passed the Senate, January 7, 1853. Approved by the Governor, January, 1853.]

1852.

[No. 26.]

Resolution in relation to Porter's Self-loading and Self-firing Gun.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be and he is hereby authorized to cause Porter's self-loading and self-firing gun, to be carefully examined, tried and tested, and if he shall approve of the invention, and shall deem it expedient so to do, to order the whole or any part of the quota of Florida in the public arms under existing laws, to be furnished in said Guns.

[Passed the Senate, January 14, 1853. Passed the House of Representatives, January 14, 1853. Approved by the Governor, January 14, 1853.]

[No. 27.]

Resolution in relation to the pay of absent Members.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That no member of this General Assembly shall receive any pay after the 8th instant, unless he answers to his name after that date.

[Passed the House of Representatives, January 10, 1853. Passed the Senate, January 10, 1853. Approved by the Governor, January 14, 1853.]

[No. 28.]

Resolution for the purpose of enabling Military Schools to obtain Arms from the State.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor is hereby authorized to cause to be delivered to the Trustees of any Military School that may be established in this State, any number of arms not exceeding one hundred stand that may be desired for the use of such school: Provided, That such Trustees shall enter into bond, in such amount as the Governor may require, conditioned to return such arms to the proper officer of the State when they shall no longer be needed for such school,

or when they shall be demanded from them, in good order and condition.

1852.

[Passed the House of Representatives, January 8, 1853. Passed the Senate, January 8, 1853. Approved by the Governor, January 10, 1853.]

[No. 29.]

Resolutions in relation to the term of office of the Governor elect.

Resolved, That in the opinion of this General Assembly his Excellency, Governor Brown, was elected for the term of four years from the first Monday in October, 1849, and that the [his] constitutional term of service will not expire until the first Monday in October, 1853. Term of office.

Resolved, That in the opinion of this General Assembly the resignation of his Excellency, prior to that time, would only create a vacancy to be filled by the President of the Senate, or in his absence by the Speaker of the House of Representatives. Vacancy.

Resolved, That in the opinion of this General Assembly the constitutional term of service of the Governor elect will not commence until the first Monday in October, 1853. Governor elect

[Passed the Senate, December 30, 1852. Passed the House of Representatives, December 31, 1852. Returned by the Governor, with his disapproval.—Reconsidered and passed by both Houses with the requisite Constitutional majority.]

[No. 30.]

Resolution in relation to the claim of James M. Bates.

WHEREAS, It appears to the members of the Legislature that the claim of James M. Bates against the United States, for services rendered as principal waggon master at the Port of Fort Gilliland, in Florida, during the year of eighteen hundred and thirty-seven, for four hundred and fifty-five dollars, is just and true, and that the same is yet due and unpaid,

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed and our Representative be requested to urge the passage of a law to pay the claim of said James M. Bates for the sum of four hundred and fifty-five dollars. Claim of.

[Passed the Senate, December 23, 1852. Passed the House of Representatives, December 24, 1852. Approved by the Governor, January 4, 1853.]

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[No. 31.]

Resolution for the relief of Silas Weeks.

Section and
range.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Land Register of this State be and is hereby authorized to sell to Silas Weeks, at the appraised value, such portion of the sixteenth section of land as the said Weeks may apply for in Range twenty-six, township ten, and section sixteen, in the County of Putnam, and State aforesaid :

Proviso.

Provided, That the said Weeks shall not enter more than one hundred and sixty nor less than eighty acres, in legal subdivisions, to embrace the improvements on which he now resides.

[Passed the House of Representatives, December 21, 1852. Passed the Senate, January 6, 1853. Approved by the Governor, January 8, 1853.]

[No. 32.]

Joint resolutions authorizing the Comptroller to audit and pay B. Hopkins and others for their services in defending the frontier in the year 1852.

Claims for ser-
vices, rate al-
lowed.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of this State be and he is hereby directed to audit and allow B. Hopkins one hundred and fifty dollars per month while in actual service as special Indian Agent, and to audit and allow Oscar Hart, Arther Ginn, Thomas W. Jones, John I. Hopkins and Algernon S. Spear, the pay and allowances of first Lieutenants while in actual service, and to issue his warrant on the Treasurer for the same.

Be it further resolved, That the Comptroller audit and allow to Captain Aaron Jernigan and his officers and privates the same pay and allowances for the time they were in actual service as similar troops in the United States are entitled to, and to issue Treasury warrants therefor.

Horses lost.

Be it further resolved, That the Treasurer be and he is hereby authorized and directed to pay the said warrants out of any money in the Treasury not otherwise appropriated.

Be it further resolved, That the Comptroller of Public Accounts be and he is hereby authorized and required to

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audit and allow the claims for horses lost in said service at such prices as the muster roll or certificates of the commanding officer may show to have been a just and fair valuation of the same, and setting forth the manner in which such loss occurred.

[Passed the Senate, January 6, 1853. Passed the House of Representatives, January 8, 1853. Approved by the Governor, January 8, 1853.]

[No. 33.]

A resolution in relation to Captain William H. Payne's Company.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That his Excellency, the Governor, be authorized and is hereby requested to appoint as early as practicable, a competent person to act as Commissioner, who shall be authorized and instructed to make legal investigation in the claim of Captain William H. Payne's Company of mounted volunteers, for services rendered, and subsistence and forage furnished in Columbia County in the years 1838 and 1839; and that the evidence taken, and commissioner's opinion as to the justice of said claim shall be transmitted with as little delay as possible to the Governor of the State, who is hereby requested to submit such testimony and opinion to the Secretary of War, and demand the payment of said claim.

Commissioner to be appointed.

[Passed the Senate, December 29, 1852. Passed the House of Representatives, December 31, 1852. Approved by the Governor, January 5, 1853.]

[No. 34.]

Resolution relative to the account of R. A. Shine, Quarter Master General, and for other purposes.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of this State be, and he is hereby authorized and required, to audit and allow the accounts of R. A. Shine, Quarter Master General, and George W. Hutchins, Clerk, and as agent of the State, for services rendered and expenses incurred by him in the prosecution of the claims of the State upon the United States, such Commission, or rates of pay, as is allowed to Agents of other States for similar services; the same to be

Account to be audited &c.

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ascertained by the Governor of this State, or the Comptroller of Public Accounts, by correspondence with the Governors or Accounting Officers of other States having similar claims, growing out of Indian hostilities, and to issue his warrants upon the Treasury for the several amounts due.

Be it further resolved, That said sums, when paid, being clearly within the Act of Congress which provides for the reimbursement of this State for monies advanced and paid, and obligations contracted by said State, in suppressing Indian hostilities in 1849, and being also within the sum appropriated by said Act, the Governor be requested to demand from the Government of the United States the reimbursement of said amount.

[Passed the House of Representatives, December 31, 1852. Passed the Senate, January 13, 1853. Approved by the Governor, January 14, 1853.]

[No. 35.]

Resolution for the relief of William Watson.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be and he is hereby directed to audit, and the Treasurer to pay the claim of William Watson of Jefferson County the sum of thirty-five dollars and thirty-nine cents, being the amount improperly paid by said Watson to the Register of Public Lands.

[Passed the Senate, December 16, 1852. Passed the House of Representatives, December 27, 1852. Approved by the Governor, December 31, 1852.]

[No. 36.]

Resolution for the relief of Azor Umstead.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller be and he is hereby instructed to audit the account of Azor Umstead, for the amount offered in the reward offered by the Governor in his Proclamation for the capture of Jose Perfino *alias* Indio, and the Treasurer is hereby instructed to pay the same out of the Contingent Fund.

[Passed the Senate, January 4, 1853. Passed the House of Representatives, January 8, 1853. Approved by the Governor, January 8, 1853.]

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[No. 37.]

Resolution to authorize the Comptroller to purchase Maps of the United States.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, Maps.
That the Comptroller be and he is hereby authorized and required to purchase two large Maps of the United States, and to cause one to be suitably placed in the Senate Chamber, and one in the Chamber of the House of Representatives.

[Passed the Senate, January 5, 1853. Passed the House of Representatives, January 7, 1853. Approved by the Governor, January 8, 1853.]

[No. 38.]

Resolution authorizing the Comptroller to employ a Clerk, when necessary, during the present session of the General Assembly.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, Clerk allowed.
That the Comptroller be and is hereby authorized to employ a Clerk, as the necessities of his Office, during the present session, may require.

[Passed the House of Representatives, December 6, 1852. Passed the Senate, December 8, 1852. Approved by the Governor, December 14, 1852.]

[No. 39.]

Resolution relative to copying the Laws of the present session.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, Copying laws.
That the Governor be authorized to employ John Dick to copy the laws passed at this session, under the superintendence of the Secretary of State, for such compensation as was allowed for similar services at the last session of the General Assembly.

[Passed the Senate, December 21, 1852. Passed the House of Representatives, December 31, 1852. Approved by the Governor, January 5, 1853.]

[No. 40.]

Resolution relative to Printing the Laws of the present session.

Resolved by the Senate and House of Representatives of

1852.

Printing laws.

the State of Florida in General Assembly convened, That
Charles E. Dyke be selected to print the laws and resolutions passed by the present General Assembly, on his giving bond to the Secretary of State to execute the same within a proper time.

Be it further resolved, That the Compensation shall be the same per page as that paid for printing the Journals of the present session.

[Passed the Senate, December 20, 1852. Passed the House of Representatives December 25, 1852. Approved by the Governor, December 31, 1852.]

AMENDMENTS

TO THE

Constitution of the State of Florida,

ADOPTED BY THE FIFTH AND SIXTH GENERAL ASSEMBLIES.

[No. 1.]

AN ACT to Amend the Eleventh Clause of the Fifth Article of the Constitution of this State; and also to Amend An Act Amendatory of the Twelfth Clause of the Fifth Article of the Constitution of this State, and adopted by the Third and Fourth General Assemblies, so as to give the Election of the Judges to the People.

1852.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Eleventh Clause of the Fifth Article of the Constitution of this State, and also an act entitled, "An Act to amend the Twelfth Clause of the Fifth Article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for the term of eight years, instead of during good behavior," be, and the same are hereby so amended as to read as follows, viz: That on the first Monday in October, in the year one thousand eight hundred and fifty-three, and on the first Monday in October, every six years thereafter, there shall be elected by the qualified electors of each of the respective Judicial Circuits of this State, one Judge of the Circuit Court, who shall reside in the Circuit for which he may be elected, and continue in office for the term of six years from and after the first day of January next succeeding his election, unless sooner removed under the provisions made in this Constitution for the removal of Judges by address or impeachment: And for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any

1852.

of them on the address of two-thirds of the General Assembly: *Provided, however,* That the cause, or causes, shall be stated at length in such address, and entered on the Journals of each House: *And provided, further,* That the cause, or causes, shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own defence, before any vote for such removal shall pass; and in such cases, the vote shall be taken by yeas and nays, and entered on the Journals of each House, respectively.

SEC. 2. *Be it further enacted,* That said election shall be conducted, and the returns thereof made, in the manner now prescribed or which may here after be prescribed by law, for the election of member to Congress; and it shall be the duty of the Governor to issue a commission, under the seal of the State, to the person receiving the highest number of votes in the Judicial District in which the election is had.

SEC. 3. *Be it further enacted,* That whenever the General Assembly shall create a separate Supreme Court, or Chancery Court, under the provisions of this Constitution, the Judges thereof shall be elected in the manner provided in the first section of this act, and shall hold their offices for the same term, and be subject to all the provisions of said first section: *Provided, however,* That the Judges of the Supreme shall be elected by general ticket; and the Judges of the Chancery Court shall be elected by general ticket, or by Districts, as the Legislature may direct.

SEC. 4. *Be it further enacted,* That should a vacancy occur in either the Supreme, Chancery, or Circuit Court, by death, resignation, removal, or otherwise, it shall be the duty of the Governor to issue a writ of election to fill such vacancy, and he shall give at least sixty days' notice thereof by proclamation, and the Judge so elected to fill such vacancy shall continue in office from the time he qualifies under his commission, which shall be issued immediately after the final canvass of the votes by which his election is determined: *Provided; however,* That should it become necessary to fill any such vacancy before an election can be held under the provisions of this Constitution, the Governor shall have the power to fill such vacancy by appointment, and the person so appointed shall hold his office from the date of his commission until his successor shall, be duly elected and qualified.

SEC. 5. *Be it further enacted,* That the second section

1852.

of said act to amend the twelfth clause of the Constitution of this State, and adopted by the third and fourth General Assemblies as aforesaid, be and the same is hereby abolished; but it is hereby provided that the General Assembly shall, by the concurrent vote of the two Houses thereof, at its next regular session, elect some person to fill the vacancy which will occur by expiration of the term of office of that Judge who may draw the two year term, under the provisions of said second section, which is hereinabove declared, to be abolished.

FIFTH GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 13, 1850. Passed the House of Representatives, by the Constitutional majority, December 23, 1850.

SIXTH GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 20, 1852. Passed the House of Representatives by the Constitutional majority, January 1, 1853.

[No. 2.]

AN ACT to amend the Seventeenth Clause of the Fifth Article of the Constitution of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the seventeenth Clause of the fifth Article of the Constitution of this State be and the same is hereby so amended as to read as follows, to-wit: "There shall be one Solicitor for each Circuit, who shall reside therein, and shall be elected by the qualified voters of such Circuit, on the first Monday in October in the year one thousand eight hundred and fifty-three, and every four years thereafter, or at such times as the General Assembly may by law prescribe, and shall receive for his services a compensation to be fixed by law.

SEC. 2 *Be it further enacted,* That such elections shall be held and conducted, and the returns thereof made, in the same manner as is now prescribed by law, or may hereafter be prescribed by law, for the election of member to Congress from this State.

FIFTH GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 31, 1850. Passed the House of Representatives by the Constitutional majority, January 8, 1851.

SIXTH GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 20, 1852. Passed the House of Representatives by the Constitutional majority, January 1, 1853.

AMENDMENTS

ADOPTED BY THE FIFTH GENERAL ASSEMBLY.

[No. 1.]

1852.

AN ACT to alter and amend the Fourteenth and Twenty-Third Clauses of the Third Article, and the Thirteenth and Sixteenth Clauses of the Fifth Article of the Constitution of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the fourteenth Clause of the third Article of the Constitution of this State be so altered and amended as to read as follows, viz: "There shall be a Secretary of State elected by the qualified voters of this State on the first Monday in October, in the year 1856, who shall continue in office during the term of four years; and he shall keep a fair register of the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Assembly, and shall perform such other duties as may be required of him by law: *Provided,* That the term of office of the Secretary of State to be elected under this amended Constitution, shall not commence until the term of office of the officer now elected shall expire.

SEC. 2. *Be it further enacted,* That the twenty-third Clause of the third Article of the Constitution of this State be so altered and amended as to read as follows, viz: A State Treasurer and Comptroller of Public Accounts shall be elected by the qualified electors of this State on the first Monday in October in the year 1856, and every two years thereafter.

SEC. 3. *Be it further enacted,* That the thirteenth Clause of the fifth Article of the Constitution of this State be so altered and amended as to read as follows, viz: The Clerk of the Supreme Court and the Clerks of the Courts of Chancery, shall be elected by the qualified electors of this State, on the first Monday in October in the year 1856, and ev-

ery four years thereafter; and the Clerks of the Circuit Courts shall be elected by the qualified electors, in such manner as is now or may hereafter be prescribed by law.

SEC. 4. *Be it further enacted*, That the sixteenth Clause of the fifth Article of the Constitution of this State be and the same is hereby so altered and amended as to read as follows, viz: There shall be an Attorney General for the State, who shall reside at the seat of Government; it shall be his duty to attend all sessions of the General Assembly, and upon the passage of any act, to draft and submit to the General Assembly, at the same session, all necessary forms of proceedings under such laws, which, when approved, shall be published therewith, and he shall perform such other duties as may be prescribed by law; he shall be elected by the qualified electors of this State, on the first Monday of October in the year 1856, and every four years thereafter, but may be removed by the Governor, on the address of two-thirds of the two Houses of the General Assembly, and shall receive for his services a compensation to be fixed by law: *Provided*, That the term of office of the Attorney General to be elected under this amended Constitution shall not commence until the term of office of the officer now elected shall expire.

SEC. 5. *Be it further enacted*, That said elections shall be conducted and the returns thereof made in the manner now prescribed or which may hereafter be prescribed by law for the election of member to Congress from this State; and it shall be the duty of the Governor to issue commissions, under the seal of the State, to the persons receiving the highest number of votes for the said several offices.

SIXTH GENERAL ASSEMBLY.—Passed the House of Representatives by the Constitutional majority, January 3, 1853. Passed the Senate by the Constitutional majority, January 6, 1853.

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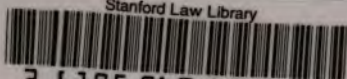
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